



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-26995-2024**Date of decision: May 31, 2024**

LOVEPREET SINGH @ LABBI

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kanishth Ganeriwala, Advocate
for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana
with Inspector Chand Singh.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.255 dated 30.08.2022 (Annexure P-1) under Sections 147, 148, 149, 302, 307, 341, 427 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station Kalanwali, District Sirsa.

2. Learned counsel for the petitioner, at the outset, has drawn the attention of this Court to the FIR in question, which has been annexed as Annexure P-1. He submits that a perusal of the FIR clearly reveals that the petitioner has not been attributed any injury on the deceased, much less fatal. The only allegation levelled against the petitioner is that he was armed with stick and had hit the car of the complainant with his stick. Learned counsel has submitted that totally false and fabricated allegations have been levelled against the petitioner, who has now been in custody since 02.09.2022. It has also been submitted that after the challan was presented on 02.11.2022, charges were framed on 02.08.2023, however, till date, none of the 28 witnesses cited by the

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prosecution had been examined, hence the possibility of the trial concluding in the near future did not arise.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed the stage of trial and the role attributed to the petitioner in the crime in question. However, learned State counsel has submitted that the petitioner was a member of an unlawful assembly and was armed with a stick at the time of the alleged occurrence. On a pointed query put to the learned State counsel as to who was the prime accused in the present case, he, on instructions, has submitted that it was Hargovind Singh, who had inflicted fatal injuries on the person of the deceased. On further instructions, this Court has been apprised that the next date fixed before the learned trial Court is 10.07.2024, when some of the prosecution witnesses are likely to be examined.

4. I have heard learned counsel for the parties and perused the relevant material placed on record.

5. The petitioner has been in custody for more than 1 year and 8 months, having been arrested on 02.09.2022. Investigation in the case in hand is complete as not only challan stands presented but even charges have been framed. The petitioner has not been attributed any injury on the person of the complainant or even on the deceased.

6. In the facts and circumstances as enumerated hereinabove and in view of the allegations levelled against the petitioner, further incarceration of the petitioner would serve no useful purpose. Therefore, this Court deems it fit to allow the instant petition, and extend the concession of regular bail to the petitioner.



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7. The petition as such is allowed, and the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.
8. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

May 31, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No