

2024:PHHC:090649



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

Sr. No.215**CRM-M-33465-2024(O&M)****Date of decision : 19.07.2024**

Lovepreet Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Surinder Garg, Advocate, for the petitioner.

Mr. Vinay Kumar, DAG, Punjab.

KIRTI SINGH, J. (Oral)

By way of this petition filed under Section 439 Cr.P.C., the petitioner seeks grant of regular bail in case FIR No.140 dated 12.09.2023 under Sections 408/420/120B IPC, registered at Police Station Jaitu, District Faridkot.

2. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case and it is only on the basis of the disclosure statement of the main co-accused namely Bahadur Singh that the petitioner has been nominated in the present case and there is no other criminal case registered against him. He further submits that the co-accused Bahadur Singh has been granted the concession of regular bail vide order dated 19.03.2024 (Annexure P3) passed by this Court in CRM-M-6395-2024. Thus, the petitioner may be granted the concession of regular bail.

3. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the

petitioner was actively involved in the commission of the offence. He has

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filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone actual custody of 03 months and 28 days. He on instructions from the concerned investigation officer submits that charges were framed on 16.12.2023 and out of a total of 13 prosecution witnesses, none has been examined till date. He further submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

4. Heard.

5. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, charges have been framed and none of the prosecution witness have been examined despite charges having been framed. The petitioner has undergone actual custody of almost 04 months and he is not involved in any other criminal case and co-accused has already been granted the concession of regular bail and further incarceration of the petitioner would not serve any purpose.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.

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(IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.

(V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

19.07.2024

Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes/No

Yes/No