



222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34101-2024

Date of Decision: 24.07.2024

Preet @ Lovepreet @ Khatti

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Ms. Anupam Bhanot, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.20 dated 15.02.2023 registered under Sections 302 and 34 of IPC, at Police Station Bilga, District Jalandhar.

2. The FIR in the present case was registered on the basis of the statement made by Roop Singh son of Bakhtavar Singh and the same has been reproduced below:-

“As per the statement of Roop Singh S/o Bakhtavar Singh R/o Burj Hasan, PS. Bilga, District Jalandhar aged around 25 years phone no. 9592416709 stated that I am a permanent resident of aforementioned address and am an agriculturist and my Nephew (Bhanja) namely Ramandeep Singh S/o Gurmeet Singh R/o Village Huzra, PS Sidhavan Bait, District Ludhiana, has been residing with me in my Village Burj Hasan since his birth. Today on dated,



15.02.2023 my nephew Ramandeep Singh was going to departmental store to take household items, when he reached near Haveli around 7 PM. When the persons present their namely Gurpreet Singh @ Gopi S/o Mukhtiar Singh equipped with Churra, Lovepreet Singh @ Khatti S/o Baldev Singh, Divender Singh S/o Nishan Singh both empty handed are the resident of Village Buri Hasan, PS. Bilga, District Jalandhar indulged in arguments with my nephew. I also reached at the spot after hearing the noise, while I was seeing, Lovepreet Singh@ Khatti held arm of my nephew and Davinder Singh S/o Nishan Singh held right hand. Then Davinder Singh said what you are looking now, let s finish his work and in the meantime Gurpreet Singh @ Gopi attacked my nephew near heart with churra (Knife) and he fell down. I raised voice that Maar Dita Maar Dita and started taking care of my nephew. The aforementioned accused fled from the spot with arms and I made an arrangement of vehicle and took my nephew to Civil Hospital Noor Mahal along with my brother Shinder Pal @ Laddoo and my nephew crumbled to death while going to hospital. The reason behind this crime is Enmity that my nephew has to pay 2000 to Gurpreet Singh @ Gopi due to this reason by nephew was killed by aforementioned persons. The statement is written, read-over, heard and found correct. A legal action be initiated against the aforementioned accused persons. Sd/- Roop Singh (Signed in Punjabi) Witness Sd/-Shinderpal Pal (Signed in Punjabi) verified by ASI Mahinder Pal, SHO PS Bilga, dated 15.02.2023.”

3. Learned counsel for the petitioner contends that even though, the petitioner has been named in the FIR, no specific injury has been attributed to him. She further contends that as per allegations levelled by the complainant, the petitioner had allegedly caught left arm of Ramandeep Singh, whereas Davinder Singh, co-accused had caught the right arm of the victim. As per the



prosecution, Gurpreet Singh, co-accused had given a blow with knife on the left side of the chest of Ramandeep Singh and he fell down on the ground. While referring to the post-mortem report of Ramandeep Singh, learned counsel submits that Ramandeep Singh, deceased had suffered only one stab injury on the chest and he had died because of the said injury. Learned counsel further contends that except the above-stated role, no other attribution is there. She further contends that the main accused, namely, Gurpreet Singh is already in custody in the present case. The petitioner was arrested in the present case on 19.02.2023 and is in custody for the last more than 01 year and 05 months.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had actively participated in the commission of crime. He further submits that two more FIRs i.e. FIR No.66 dated 22.06.2022 under Sections 454, 380 of IPC, Police Station Bilga and FIR No. 114 dated 15.07.2019 under Sections 379-B, 201 and 34 of IPC, Police Station Sadar Kapurthala were also ordered to be registered against the present petitioner. Apart from that, in FIR No.131 dated 05.08.2019 under Sections 21/61/85 of NDPS Act, Police Station Mehatpur and FIR No.141 dated 16.07.2020 under Sections 61/1/14 of Excise Act, Police Station Bilga, he was ordered to be convicted. However, he has undergone the sentence in two cases i.e. FIR No.131 dated 05.08.2019 and FIR No.141 dated 16.07.2020. He further admits that only one witness, out of total 17 witnesses, have been examined so far.

5. Having heard learned counsel for the parties and perused the record, this Court is of the considered opinion that the present petition deserves



to be allowed. The petitioner has been assigned the role of catching hold the deceased, while the main accused, namely Gurpreet Singh had given blow with knife on the left side of the chest of Ramandep Singh, since deceased. Apart from that, no other specific injury has been attributed to the present petitioner. Still further, the petitioner is in custody for the last more than 01 year and 05 months and only one witness, out of total 17 witnesses have been examined so far. Thus, no purpose will be served by keeping the petitioner behind bars.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) *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 to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of*

residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

24.07.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned :
Whether reportable

:
:

Yes/No
Yes/No