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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39532-2023

Date of Decision: 19.01.2024

Lovepreet Singh @ Labha

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Akbarjit Singh, 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.0008 dated 25.01.2023 registered under Sections 25-54-29 of Arms Act, and Sections 307, 353, 186, 332 of IPC, at Police Station Lohian, Jalandhar.

2. As per case of the prosecution, on 25.01.2023, a police party had set up a naka and in the meantime, one person was intercepted by the police party. However, the said person fired in the air towards the police party from his pistol. The Inspector/SHO Surjit Singh saved himself by lying on the ground and in the meantime, Constable Dildar Singh, driver came forward to save him. However, again the assailant fired in order to kill the Inspector/SHO Surjit Singh. However, none of the fire shots had hit the police officials. The aforesaid assailants tried to run away from the spot, but the Inspector/SHO fired a shot, which hit on the left ankle of the said assailant and he was apprehended with a pistol. After unloading the pistol, four live cartridges of 32 bore were

recovered and one more country made pistol of 315 bore with one live cartridge were also recovered from him. 13 more cartridges of 32 bore and 02 more cartridges of 315 bore were also recovered from him. On inquiry, he disclosed his name and address as Lovepreet Singh @ Labha son of Jeewan Singh, resident of village Ismailpur, Police Station Lohian.

3. Learned counsel for the petitioner contends that in the present case, no police official had suffered any injury and the offence under Section 307 IPC has been added, just to make the offence grave. He further contends that in the present case, the police had fired on the present petitioner and he suffered injury on his left ankle. However, later on, the petitioner was arrested on 28.01.2023 and the recovery of the weapons was planted on him. Learned counsel further contends that co-accused Dilbag has already been granted the concession of bail and the petitioner is also liable to be enlarged on bail.

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 fired at the police party and does not deserve the concession of bail. Learned State counsel further submits that 04 witnesses, out of total 12 witnesses, have been examined, so far.

5. I have heard the learned counsel for the parties and perused the record.

6. The petitioner was arrested in the present case on 28.01.2023 and is in custody for the last almost one year. The recovery has already been effected from the present petitioner. The petitioner is a rustic villager and has no criminal antecedents. Apart from that, the conclusion of the trial may take quite a long time.

7. 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.

19.01.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No