



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

223

CRM-M-45254-2024
Decided on :26.09.2024

LOVEDEEP SINGH @ LOVE

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Vikas Bali, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 has been invoked for grant of regular bail
to the petitioner in case FIR No.20 dated 12.03.2024 under Sections 307,
452, 323, 506, 148 and 149 of IPC registered at Police Station Daba, District
Ludhiana.

2. The brief facts of the case are on 10.03.2024, Gautam Bedi,
Shankar, Lovedeep Singh alias Love, Rahul, and 5-6 unknown persons
entered the factory of Sarwan Vishkarma-complainant and assaulted his
brother, Jatinder Vishkarma. One of the attackers, armed with a sword, along
with others, inflicted blows using the sword, fists, legs, and bricks, causing
severe injuries and rendering Jatinder unconscious.

3. Learned counsel for the petitioner submits that the petitioner
has been falsely implicated and had no involvement in the incident. The
petitioner is a daily wage labour and has already undergone 6 months and 11
days of actual custody. Furthermore, petitioner is not involved in any other
criminal case. It is also submitted that a similarly placed co-accused has
been granted regular bail by the Additional Sessions Judge, Ludhiana, vide

order dated 3rd August 2024 bearing No.BA-5447-2024.



4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. Learned State counsel has filed the custody certificate dated 25.09.2024 in Court today, which is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 06 months and 11 days and there is no other criminal case registered against him. Moreover, on instructions, he submits that challan was presented 10.05.2024 and charges are yet to be framed and out of total 15 prosecution witnesses, none has been examined till date. However, in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Heard.

6. The veracity of the allegations levelled against the petitioner shall be established during the course of the trial. Admittedly, the investigation of this case is complete and charges are yet to be framed and out of 15 prosecution witnesses, none has been examined till date. The petitioner has undergone an actual custody of 06 months and 11 days and has clean antecedents and similarly placed co-accused has been granted regular bail by Additional Sessions Judge, Ludhiana vide order dated 03.08.2024 bearing No.BA-5447-2024. The trial of the case will take considerable time and no useful purpose will be served by detaining the accused in custody.

7. 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.
 - (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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence.
8. 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.
9. 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.

(KIRTI SINGH)
JUDGE

26.09.2024
Kavita

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No