



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226

CRM-M-53420-2023 (O&M)
Date of decision: May 7th, 2024

Lovepreet Singh @ NP

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Harpal Singh Sidhu, Advocate
for the applicant-petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)**CRM-13485-2024**

Prayer in this application is for placing on record the copy
of statements of PW-1 to PW-3.

Application is allowed subject to just exceptions.

Photocopies of statements Annexure P-3 are taken on
record.

CRM-M-53420-2023

Petitioner is seeking the concession of bail under Section
439 of the Code of Criminal Procedure, 1973 in case FIR No.40 dated
04.05.2023 under Sections 379B(2) of the IPC and Section 25 of the
Arms Act (Sections 307/397/395/473/411/201 of the IPC added later on)
registered at Police Station Sadar Batala, District Gurdaspur.

2. Learned counsel for the petitioner submits that his false
implication in the instant case is evident from the fact that while
stepping into the witness box as PW-1, the complainant as well as PW-3

injured Naresh Mahajan had not identified the petitioner as being the person, who had participated in the crime in question, as a result of which they both were declared hostile. In support, learned counsel has drawn the attention of this Court to the deposition of PW-1 Parvesh Kumar (complainant) and PW-3 Naresh Mahajan (injured), which has been annexed as Annexure P-3. Learned counsel submits that since both the material witnesses in the instant case i.e. the complainant as well as the injured witness have failed to support the case of the prosecution, his further incarceration would serve no useful purpose as 23 prosecution witnesses still remain to be examined.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has on instructions, not disputed that both the material witnesses in the case in hand stand examined and they had been declared hostile during trial, however, learned State counsel has submitted that the petitioner along with his accomplices, who were all in muffled faces, fired at the complainant and injured witness Naresh Mahajan and thereafter, fled away from the spot in the car of the complainant. Learned State counsel has further submitted that the next date fixed before the trial Court is 31.05.2024 when some more prosecution witnesses have been summoned to depose.

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

5. As per the allegations levelled in the FIR in question, five persons with muffled faces, attacked the complainant and his friends while they were travelling in a car; one of the masked person fired from his pistol injuring PW-3 Naresh Mahajan. Concededly, both the material witnesses including the injured witness were unable to

identify the petitioner during trial, as a result of which they were declared hostile. The trial would take considerable time to conclude as 24 prosecution witnesses still remain to be examined.

6. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

7. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

May 7th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No