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

208

**CRM-M No.1452 of 2025
Date of Decision: 12.11.2025**

Lovepreet Singh @ Love

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Gaurav Singla, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The instant one is the third petition filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail in case arising out of FIR No. 25 dated 11.02.2020, registered under Sections 302, 307, 473, 411, 120-B, 34, 148 and 149 of IPC and Section 25 of the Arms Act, 1959 (For Short "Act, 1959") at Police Station Dhariwal, District Gurdaspur. His previous petition bearing CRM-M No.44001 of 2020 had been dismissed by passing a detailed order on 14.07.2023 whereas the second petition bearing CRM-M No.47932 of 2023 had been dismissed as withdrawn vide order dated 03.07.2024.

2. The adumbrated facts as emanating from the record are that

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on the evening of 10.02.2020, complainant Jagdish Raj was present in his shop along with his helper Vishal and his son Ashok Kumar, when he noticed a car being parked a little ahead of his shop. Within his sight, two youths with covered faces alighted from the car and started indiscriminate firing with their pistols towards his son Ashok Kumar, who sustained many injuries and fell down. Blood started oozing from his injuries. The assailants also fired shots towards Hitesh Mahajan @ Honey Mahajan, who was present in an *Ahata* existing on the eastern side of the shop of the complainant, and he too sustained injuries and fell down. On alarm being raised by the complainant and his helper, the assailants fled away with their respective weapons in their car. The injured Ashok Kumar was taken to the hospital but succumbed to his injuries. The injured Hitesh Mahajan was also admitted in the hospital and had been given treatment.

3. As per the further allegations, the petitioner, accused Jagmit Singh @ Meet and Rajinder Singh @ Nikku, who were arrested in case bearing FIR No. 25 dated 27.03.2020, registered under Sections 307, 188 and 34 of IPC and Section 25 of Act, 1959 at Police Station Shahpurkandi, District Pathankot, suffered disclosure statements admitting their involvement in this case and they were nominated in this case as well. They also took the names of the other co-accused, who too were nominated as additional accused. Accused Jasbir Singh was arrested in this case on 17.04.2020. Accused Harjinder Singh @ Jinda was arrested on 19.04.2020. Accused Sukhmeetpal Singh @ Sukh Bhikhariwal was arrested on

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were added during the course of investigation. The petitioner was arrested on 05.04.2020. Investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of the aforementioned offences.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. No specific role has been attributed to him. It is a case of blind murder. He is in custody since 05.04.2020. No recovery has been effected from him. The trial will take considerable time to conclude. The complainant and material witnesses have been examined and have not implicated him in commission of the subject crime. His continued detention would not serve any useful purpose. It is, therefore, urged that the petition deserves to be allowed and he deserves to be extended benefit of bail.

5. *Per contra*, learned Assistant Advocate General, Punjab has argued that there are serious and specific allegations against the petitioner. He had been duly identified by PW-4 Hitesh Mahajan (injured) at the time of Test Identification Parade, and in his sworn deposition also, he has identified the petitioner and has deposed that he was one amongst the assailants. The petitioner is a habitual offender, since several cases are pending against him, one of which is a murder case. Only on the basis of prolonged incarceration, the petitioner cannot claim his release on bail. Even otherwise, the trial is going on at a proper pace and all the material witnesses have since been examined. It is, therefore, urged that the petition does not deserve to be

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6. This Court has heard the submissions made by both the parties.
7. The petitioner is alleged to have hatched a conspiracy with the co-accused and is also alleged to have formed a membership of an unlawful assembly with them on 10.02.2020 and in prosecution of common object of that unlawful assembly, he, along with the co-accused, is alleged to have used firearms. Shots fired with those firearms killed the victim Ashok Kumar and caused injuries to PW-Hitesh Mahajan @ Honey Mahajan. Injured Hitesh Mahajan has since been examined as PW-4. Copy of his sworn deposition has been placed on record, which shows that he had duly identified the present petitioner in the Court as one of the assailants, and also at the time of the Test Identification Parade, and has supported the prosecution version. As such, the petitioner cannot claim any benefit from the fact that the complainant and two eye-witnesses have not supported the prosecution version. The allegations against the petitioner are serious in nature. He along with co-accused stands accused of a heinous crime punishable with capital punishment or life imprisonment. He has also been linked to the act with the aid of Section 149 of IPC and as such is prima facie vicariously liable for the acts of unlawful assembly also. While length of incarceration is a factor that weighs with the Court in considering bail, it cannot overshadow the seriousness of the accusation of murder under Section 302 IPC and as such, is not a sufficient ground for enlarging the petitioner on bail. The petitioner has also failed to make out any new or substantive change in the circumstances from the date of dismissal of the

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previous petitions which may entitle him for grant of bail. In view of the above discussion, this Court is of the considered opinion that the release of the petitioner may hamper the course of trial and undermine the integrity thereof and, thus, this Court finds no compelling grounds to grant benefit of bail to the petitioner. The well settled proposition of law is that mere prolonged period of custody is not sufficient ground for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in *Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC)*, *Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242* and *State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)*. Keeping in view the discussion as made above, this Court is of the considered opinion that the petitioner is not entitled to get benefit of bail. Accordingly, the petition is dismissed.

8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

12.11.2025
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(MANISHA BATRA)
JUDGE

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