



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

202

CRM-M-40805-2024

Date of decision: April 5th, 2025

Lovepreet Singh @ Lovely

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Malkiat S. Hundal, Advocate
for the petitioner.

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

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed by the petitioner seeking the concession of regular bail in FIR No.57 dated 10.03.2019 registered under Sections 307, 326, 323, 324, 341, 506, 148, 149 of the Indian Penal Code, 1860, at Police Station City Tarn Taran.

2. Learned counsel for the petitioner contends that the petitioner's false implication in the present case is evident from the fact that while deposing before the trial Court, all the three material witnesses including the complainant, who had allegedly sustained injuries at the hands of the petitioner, had been declared hostile. In support, learned counsel has drawn the attention of this Court to the respective testimonies of PW-1 Jasbir Singh and PW-3 Sukhjinderpal Singh (complainant). Learned counsel submits that since all the three material witnesses stand examined and have not supported the case of the prosecution, further incarceration of the petitioner would serve no useful purpose since 23

prosecution witnesses remain to be examined; all the remaining prosecution witnesses are inconsequential.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by counsel opposite, on instructions from ASI Sukhdev Singh, has not disputed the submissions made by the counsel opposite qua all the material witnesses not only having been examined before the trial Court but also having been declared hostile. Learned State counsel has not disputed that the petitioner has been in custody since 13.10.2023. However, while drawing the attention of this Court to the allegations levelled in the FIR annexed as Annexure P-1, it has been contended that the petitioner was specifically named by the complainant PW-3 and attributed a *datar* injury on his head, which was opined to be dangerous to life. Learned State counsel, on further instructions, submits that the next date fixed before the trial Court is 07.04.2025 when some of the remaining 23 prosecution witnesses have been summoned by the trial Court.

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

5. The petitioner has been in custody since 13.10.2023. The petitioner although was attributed an injury on the head with a *datar* by the complainant, however, during trial, the complainant as also the other two witnesses did not support the case of the prosecution, as a result of which they all were declared hostile. The trial is unlikely to conclude in the near future. Keeping in view the aforementioned facts, there can be no apprehension of the petitioner tampering with evidence or influencing/intimidating the remaining witnesses.

6. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed and 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, the State would be at liberty to seek cancellation of the same.

April 5th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No