



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

CRM-M No.59241 of 2024 (O&M)

Date of decision: 9th January, 2025

Lovepreet Singh @ Love

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amarneet S. Prajapati, Advocate for
Mr. Parivartan Singh, Advocate for the petitioner.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

CRM No.46981 of 2024

The application is allowed as prayed for.

CRM-M No.59241 of 2024

1. The petitioner is seeking the concession of bail under Section 483 of BNSS in case FIR No.138 dated 29.06.2023 under Sections 307, 427, 34 of the IPC and sections 25, 27 of the Arms Act, 1959 (Section 302 IPC and sections 29, 54 of Arms Act added later on) registered at Police Station Ranjit Avenue, District Amritsar.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 08.07.2023 in an apparent case of false implication; the petitioner's false implication is supported by the fact that two of the alleged eye-witnesses, Rajinder and Sohan Singh, while

stepping into the witness box failed to attribute any role to the petitioner in the crime in question, much less of inflicting the firearm injuries on the deceased, which proved to be fatal to him. It has also been submitted that the petitioner was not named in the FIR in question and came to be nominated subsequently in a supplementary statement made by the alleged eye-witness Kabir, wherein yet again the petitioner had not been attributed any injury much less fatal on the person of the deceased, except that at the relevant time on the fateful day, the petitioner was accompanying the co-accused Kamal Kumar, who fired the fatal shots at the deceased Sahil. It has been further urged by the learned counsel that since the complainant who is the father of the deceased, as well as two material witnesses (alleged eye-witnesses) have already been examined and not supported the case of the prosecution as a result of which they have been declared hostile, further incarceration of the petitioner would serve no useful purpose, as 30 prosecution witnesses still remain to be examined. A prayer has therefore, been made for extending the concession of bail to the petitioner.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has drawn the attention of this Court to the allegations levelled in the FIR in question, which stands reproduced hereunder.

“Statement of Sunil Kumar, son of Ram Pal, resident of House 2/182, Gali Gurudware Wali, Chowk Bille Wala, Mohkampura, Amritsar, aged 50 years, Mobile No. 75289-45056 I am a resident of the above-mentioned address and work at B.H. Fabric cloth shop, Katra Jaimal Singh,

Amritsar, in Trolley Wale Bazar. I have a son, Sahil Kumar, who does D.J. repair work, and because of this, my son Sahil Kumar often comes home late. On 29/6/2023, at around 1:30 AM, I received a call from my son Sahil Kumar's friend, stating that Sahil Kumar, along with his friends Kabir Singh, Sohan Singh, Amanpreet Singh, and Jack, had gone for dinner near the railway station in Amritsar in Kabir Singh's car. While returning and as they reached near the Sarovar Hotel Green Avenue, two persons on motorcycle came behind their car. From the opposite side of the car driver, the pillion rider of the motorcycle fired five shots toward the car, hitting it. One of the shots cracked the back window and struck Sahil Kumar in the left flank, seriously injuring him. He was admitted to Sri Guru Nanak Dev Hospital for treatment. Therefore, I have come to Guru Nanak Dev Hospital with my family, where my son Sahil is under treatment, and Sahil's operation is currently underway. Two unknown people's came on motorcycle and fired at Sahil and his friends with the intention to kill. Please take necessary legal action against these unidentified individuals.”

4. It has been submitted that the complainant was not an eye-witness to the occurrence in question, which could be one of the reasons as to why he did not name the petitioner as being one of the participants in the crime in question. However, it has not been disputed by the learned State counsel, on instructions from ASI Gurdial Singh, that two material witnesses, who allegedly witnessed the crime in question, had not supported the case of the prosecution and had been declared hostile. On a pointed query, learned State counsel has also not refuted that the

fatal injuries have been attributed to co-accused Kamal Kumar and the only role, if any, attributed to the petitioner in the supplementary statement of PW Kabir, was that the petitioner was present along with the co-accused when the crime in question was committed.

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

6. The petitioner has been in custody since 08.07.2023. Most of the material witnesses, as not disputed by the learned State counsel, stand examined and were declared hostile by the prosecution during trial. Concededly, the petitioner has not been attributed any injury much less fatal on the person of the deceased. In the facts and circumstances, as enumerated hereinabove, this Court, thus, deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

(MANJARI NEHRU KAUL)
JUDGE

January 9, 2025
rps

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