



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

243

CRM-M-61275-2024

Date of decision: January 9th, 2025

Lovepreet Singh @ Love @ Lovely

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sartaj Singh Gill, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of regular bail under in FIR No.132 dated 13.11.2023 under Sections 302, 307, 160, 323, 324, 148, 149, 212, 216, 120-B and 473 of the IPC and Sections 25, 27, 54, 59-A of the Arms Act, 1959, registered at Police Station Division D, District Police Commissionerate, Amritsar.

2. Learned counsel for the petitioner has submitted that the petitioner has been in custody since 28.12.2023, in what is claimed to be a case of false implication. While drawing the attention of this Court to the contents of the FIR (Annexure P-1), learned counsel has argued that the FIR, which is reproduced herein, neither names the petitioner nor raises any suspicion about his involvement in the occurrence in question that took place during the intervening night of 12/13.11.2023:

*“Today myself Inspector/Station Officer, Police
Station D- House Division, Amritsar city along with
CT Harjot Singh No. 1332, ct Jagardeep Singh No.*

482 on government carrying laptop and printer were present car at Lahori Gate in connection with patrolling and search of bad elements, then Inspector Surinder Mohan No. 2160 SI Jagtar Singh No. 2973, ASI Pal Singh No. 561, ASI Charan Singh No. 1939, ASI Sudesh Kumar No. 2257, HC Dilbagh Singh No. 4165, HC Gurjant Singh No. 1705, HC Sukhchain Singh No. 1243, then during night intervening 12/13.11.2023 at around 2.00 AM, a of special informer came to me and given information that Group No.1 of Rohit alias Kalu son of Ravinder Kumar resident of Gali Chah Wali, Katra Dullon, Nitin alias Ashu son of Raj Kamal resident of Gali Chah Wali, Katra Dullon, Nishu son of Raj Kamal resident of Gali Chah Wali, Katra Dullon, Vikas Khanna son of Banke Lal resident of Street Phullan Wali Katra Dullon Beiri Gate Simranjit S9ngh alias Saimy son of Pritpal Singh resident of Golden Gate Amritsar, Parmod Kumar alias Ladi and his brother Vicky sons of Nand Lal residents of Lal Quarter, Gilwali Gate Amritsar, Arjun son of Rakesh Kumar resident of Dhab Khteekan, Amritsar Mukul Bawa resident of near Ahuja Sweet Shop, near Chawla Chicken, Amritsar, Amit Arora son of Maheshi Chah Wala resident of Jhabal road Amritsar, Navneet Singh alias Shera son of Manjit Singh resident of Fateh Singh Colony, Amritsar Petha resident of Loon Mandi, Amritsar, Brahman Patti, Cheenu and Deepu residents of Amritsar and their 3-4 unknown associates and Group No. 2 of Shamsher Singh alias Shera alias Gargajj Singh resident of village Ramandeep Singh@ Deep Gillan Bhaini son of Amritsar, Ranjit Singh resident of Kotla Tarkhana, Police Station Kathu Nangal, Amritsar, Manpreet Singh @ Mannu son of Jasbir Singh resident of village Ball Kalan, Police Station Kamboj, district Amritsar, Arshdeep Singh son of Jaspal Singh resident of village Pandori Waraich, Amritsar, Heera Singh son of Savinder Singh resident

of Guru Wadali, Amritsar and Arun Kumar son of Vishwamittar resident of village Pandori Waraich, Police Station Kamboj Amritsar and their 5-6 unknown persons are quarreling to each other at Katra Dullon, Gali Chah Wali Amritsar due to their some Id grudge and are openly disturbing the peace of general residents of the area. They are also having deadly weapons and they also made 20-25 fires during this quarrel and the persons of both groups also got injured during this quarrel. Therefore myself Inspector along with associate officials reached at Katra Dullon and saw that the dead body of a person was lying there in the street and two persons are also lying who are injured and on conducting inquiry about them, it came to know that the name of died person is Arun Kumar son of Vishwamittar resident of village Pandori Waraich, Police Station Kaboj Amritsar and the names of injured persons are Ramandeep Singhe Deep son of Ranjit Singh resident of Kotla Tarkhana, Police Station Kathu Nangal, Amritsar, Manpreet Singh @ Mannu son of Jasbir Singh resident of village Ball Kalan, Police Station Kamboj, district Amritsar. After completing the proceedings about the dead body of deceased Arun Kumar, his dead body has been sent through inspector Surinder Mohan along with ASI Charan Singh No. 1939 and ASI Gurjant Singh No. 1705 to keep the dead body in the mortuary of Civil Hospital, Amritsar and both the injured persons have been admitted Inspector in Shri for treatment Guru Nanak Dev by myself Hospital, Amritsar, these persons got injured with fire arm injury and no spot witness is found at the spot. Both the parties have made firing to each other due to some old grudge. In this incident Arun Kumar son of Vishwamittar resident of village Pandori Waraich, Police Station Kaboj Amritsar has died and Ramandeep Singh Deep son of Ranjit Singh resident of Kotla Tarkhana, Police Station Kathu

Nangal, Amritsar, Manpreet Singh @ Mannu son of Jasbir Singh resident of village Ball Kalan, Police Station Kamboj, district Amritsar got injured. Nobody is ready to get record the statement incident. this regarding Therefore offence under section 302,307,160,323,324,148,149 of IPC and section 25/27-54-59 of Arms Act is made out. Therefore after writing Ruqa, the same is being sent to the Police Station by the hand of HC Dilbagh Singh no. 4165 for registration of case, after registration of case, number of the same be intimated. After issuing special reports, the same be sent to the Ilaga Magistrate and senior officers. The senior officers be intimated through wireless. Myself Inspector along with associate officials is busy for investigation. Sd/ Sarmail Singh, Station Inspector, House Officer, Police Station D-Division, Amritsar City dated 13.11.2023, today in the Dullon, Amritsar time 1.30 PM.”

3. It has been further contended that the petitioner was subsequently implicated as an accused in the present case based solely on a disclosure statement allegedly made by a co-accused. In the said statement, the co-accused purportedly claimed that the petitioner was armed with a sword and inflicted injuries upon the complainant party. Counsel for the petitioner has further argued that the occurrence was, in fact, instigated by the opposite party, which attacked the co-accused of the petitioner, resulting in the death of a person from the petitioner side. It has been asserted that the complainant party, in retaliation, has falsely implicated the petitioner to conceal their involvement in the murder of the deceased from the petitioner's side.

4. Additionally, it has been argued by the learned counsel that there is no specific allegation or evidence directly attributing any injury to the petitioner on the side of the complainant party. Furthermore, it has

been urged that the disclosure statement, which forms the basis of the implication of the petitioner, has very weak evidentiary value. It has also been submitted that the present case involves a version and cross-version, where one person from the side of the petitioner lost his life, and one person from the side of the complainant sustained injuries dangerous to life; the occurrence appears to be a sudden clash between two groups of individuals.

5. Counsel for the petitioner has still further submitted that the investigation in the present case is complete, with the challan already presented before the trial Court. In such circumstances, it has been contended that further incarceration of the petitioner would serve no useful purpose, especially as the trial is likely to take considerable time to conclude.

6. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner nor has it been disputed that investigation is complete and challan stands presented before the trial Court. On further instructions, learned State counsel has not controverted that although six persons had been nominated as an accused in the FIR in question, however, the petitioner was not one of them and instead the name of the petitioner surfaced later through a disclosure statement made by a co-accused, who claimed that the petitioner was accompanying the group and at the relevant time of the occurrence, was armed with a sword.

7. On a pointed query put to the learned State counsel as to whether any specific injury or role had been attributed to the petitioner

in the occurrence in question, he, on instructions, has stated that no specific injury has been attributed to him.

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

9. *Prima facie*, it appears to be a sudden clash between two groups of armed individuals, with injuries having been sustained on both sides, including a murder on the side of the petitioner. The petitioner was not named in the FIR and was later implicated through a disclosure statement made by a co-accused. The investigation in the instant case is complete, and the challan has already been presented before the trial Court. Moreover, even as per the instructions received by the learned State counsel, no specific injury has been attributed to the petitioner on the complainant party. There is no likelihood of the trial concluding in the near future.

10. In the facts and circumstances as enumerated hereinabove, further incarceration of the petitioner would serve no useful purpose. Accordingly, 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.

11. 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.

January 9th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No