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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-65021-2024 (O&M)

Date of Decision: 27.03.2025

LOVEPREET SINGH ALIAS BILLA

.. Petitioner

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. B.S. Beniwal, Advocate for the petitioner.

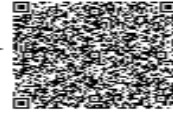
Mr. Karan Garg, AAG, Haryana.

...

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 439 of Cr.P.C., 1973 for grant of regular bail to the petitioner in case bearing FIR No.0041 dated 22.02.2024, registered for the offences punishable under Sections 147, 148, 149, 323, 324, 379-B, 384, 427, 452, 458 and 506 of IPC at Police Station City Ratia, District Fatehabad, Haryana.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Statement of Harminder Singh alias Handi son of Pritam Singh son of Mukhtiar Singh resident of Shimlapuri Colony Ward No.12 Ratia aged 32 years mob. no. 9812382305. Stated that I am resident of above-mentioned address and I have Bhangra party in Ratia with name Sabhyachar group. In which many girls and boys do the work. That yesterday night on 21.02.2024 at about 10.20 pm I was parking my vehicle in vacant plot near my home and my wife Nirmala kaur, my daughter Anmol and girl who does work in my bhangra party namely Preet daughter of Harbans resident of Bangali wali gali, behind Bus Stand Bathinda and Khushi daughter of Gurnam Singh resident of street number 1 Lehara Teh. Sangrur District Sangrur and Kaimi Singh son of Gulab Singh resident of Babanpur dhani, District Fatehabad were inside my home. At that time Malkeet alias Roda son of Sukhsingh resident of ward no. 12 Tibba Colony Ratia, Yograj son of Malkeet alias Roda resident of ward no. 12 Tibba Colony Ratia, Labbu alias Billa son of Mejar Singh resident of ward no. 12 Tibba Colony Ratia, Karan son of Sibi resident of



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Sukhmanpur currently resident of ward no. 12 Tibba Colony Ratia, Om Singh alias Bholu son of Balwant Singh Soni resident of ward no. 12 Tibba Colony Ratia, Surender alias Kanchala son of Suresh Kumar resident of ward no. 12 Tibba Colony Ratia, Akhtar alias Bashid son of Gulsher Khan resident of Bhadra Rajasthan currently resident of ward no. 12 Tibba Colony Ratia, Kalu son of Parmod resident of ward no. 12 Tibba Colony Ratia, Budhu son of Parmod resident of ward no. 12 Tibba Colony Ratia and Happy son of Naama resident of ward no. 12 Tibba Colony Ratia, Sanjeev son of unknown resident of ward no, 12 Tibba Colony Ratia, Aryan son of unknown resident of ward no. 12 Tibba Colony Ratia, Panda son of unknown resident of ward no.12 Tibba Colony Ratia, Nitish son of unknown resident of ward no. 12 Tibba Colony Ratia, Akash son of unknown resident of ward no.12 Tibba Colony Ratia, Abhishek son of unknown resident of ward no. 17 Lahli Road Ratia whose father names are not known to me. Those can be identified upon coming front to me. All came at my home and after breaking the main gate of my home, came inside my home. Due to fear I hid myself in car and started watching them. All of them after entering in my house, damaged the house. Entire articles of home, glasses installed in the house, LCD, fridge, RO, mobile, CCTV cameras, double bed etc. were broken down and Kaimi Singh son of Gulab Singh resident of Babanpur dhani District Fatehabad was assaulted with sharp edged weapon and my wife Nirmala Kaur and other girls were also beaten with fists slaps and deliberately snatched Rs. 20,000/- lying in the purse of my wife Nirmala Kaur. Thereafter we got admitted Kaimi Singh abovesaid in the government hospital. Treatment of Kaimi Singh is going there. Reason of dispute is that many days ago Malkeet alias Roda and his friend Surender alias Kanchala and Akhtar alias Bashid above said demanded the extortion amount of Rs10,000/- per month from me that I refused to give the extortion.

Due to that reason, all those persons damaged my home by deliberately entering in the home and while going, were saying that if extortion amount is not given to them, then he will be killed. Legal action should be taken against all of them by getting Rs. 20,000/- recovered from them. Statement got written which is correct, understood. Attested sd/- Krishan Kumar ASI PS City Ratia Dt. 22.02.2024xxxxx."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 28.04.2024. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated into the FIR in question on account of a dispute with the complainant-side. Learned counsel for the petitioner has relied upon the orders passed by this Court, whereby the similarly situated co-accused, namely, Akhtar Khan @ Akhtar Bashid @ Vashid, Om Singh @ Bholu, Sanjeev Singh, Randeep @ Karan and Abhishek have been granted the concession of regular bail vide order dated 27.11.2024, 12.11.2024 and 04.11.2024, passed in CRM-M-58421-2024,

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CRM-M-33731-2024, CRM-M-21015-2024, CRM-M-25289-2024 and CRM-M-28370-2024 respectively. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

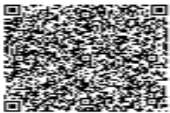
6. The petitioner was arrested on 28.04.2024 whereinafter investigation was carried out & challan was presented on 23.02.2025. Total 27 prosecution witnesses have been cited out of which none has been examined till date. It is indubitable that the culmination of the trial, but of course, will take its own time. The contentions raised by rival parties give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per the custody certificate dated 25.03.2025 filed by the learned State counsel, the petitioner has suffered incarceration for more than 10 months and 27 days. As per the said custody certificate, the petitioner is said to be involved in other FIR(s) also. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said

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FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi vs. State of U.P. and another, 2012(1) R.C.R. (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das vs. State, 1998(2) R.C.R. (Criminal) 477* & judgments of this Court in *CRM-M-38822-2021* titled as *Akhilesh Singh vs. State of Haryana*, decided on 29.11.2021 and *Balraj vs. State of Haryana, 1998(3) R.C.R. (Criminal) 191*. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

7. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police



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Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.

(vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

27.03.2025
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No