

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

2025:PHHC:039739



(229)

CRM-M-65233-2024

Date of Decision: 24.03.2025

Lovepreet Singh @ Lalla

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present:- Mr. L.S. Sidhu, Advocate for petitioner.

Mr. Shiva Khurmi, AAG, Punjab with
ASI Bhupender Singh.

MANJARI NEHRU KAUL.J (Oral)

The petitioner is seeking the concession of regular bail, filed under Section 483 BNSS, in case FIR No.41, dated 14.03.2021, under Sections 302, 307, 324, 341, 34 IPC (further added Section 201 IPC and Section 25 of Arms Act), registered at Police Station, Urban Estate Patiala, District Patiala

2. Learned counsel for the petitioner submits that the petitioner has been languishing in custody since 17.03.2021 and the possibility of the trial concluding in the near future does not arise as only 6 prosecution witnesses out of the 27 have been examined so far. While drawing the attention of this Court to the allegations levelled in the FIR, it has been further submitted that although totally false allegations have been levelled therein, however, even otherwise the petitioner has not been attributed fatal injury on the person of the deceased; he has only been attributed a knife blow on the abdomen of the complainant. It has been contended that the

fatal injuries with a knife have been attributed to co-accused Shalu Khan and Laddi Kana. Counsel has also submitted that the petitioner has no previous criminal antecedents much less being involved in any case of identical nature. Hence, keeping in view the fact that the trial is likely to be prolonged, the petitioner be enlarged on bail.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions has not disputed the custody period of the petitioner nor has it been disputed that the petitioner has not been attributed the fatal injuries on the person of the deceased. State counsel has, however, reiterated the allegations levelled in the FIR, which stands reproduced herein under:-

“At this time it has been entered that one statement of Raju Gir son of Nazar Gir, resident of Sahib Nagar Theri, PS Urban Estate, Patiala, aged about 20 years, recorded by SI/SHO, Rauni Singh Sal 24/PRT has been received at the police station through Constable Harjinderpal Singh 609 for registration of case against Lalla son of Rosha Gir, resident of Sahib Nagar Theri, Laddi Kana, resident of Chaura and Shallu alias Khan, resident of SST Nagar, Patiala. The same reads as under, 'Statement of Raju Gir son of Nazar Gir, resident of Sahib Nagar Theri, PS Urban Estate, Patiala, aged about 20 years, stated that I am resident of aforesaid address and do labour job. Today, Shivratri langar was being organized at the Mandir at our village. I and my neighbor Deepak Kumar, aged about 20 years, son of Rakesh Kumar, resident of Sahib Nagar Theri had partaken langar at Mandir and were standing in front of the liquor vend of our village. Time was about 2/2:30 PM that Lalla son of Rosha Gir, resident of Sahib Nagar Theri, Laddi Kana, resident of Chaura and Shallu Khan, resident of SST Nagar, Patiala came out of the liquor tavern in inebriated condition. On seeing us, they

came near us and Lalla issued threats to my friend Deepak Kumar and started saying that you consider yourself as gangster (BADMASH), today we will teach lesson to you. On this, all the aforesaid three persons took out knives from the pockets of their pants. Upon seeing the same, we got frightened and ran away. Aforesaid persons chased us and intercepted both of us at behind Kings Sweets, Phase-1, Urban Estate, Patiala. Shallu alias Khan gave knife blow to Deepak Kumar in his abdomen. The knife got stuck in abdomen and Deepak Kumar fell on the ground. Lalla gave knife blow upon me which hit on right side of my abdomen. Laddi Kana gave three knife blows on the backside of my left thigh. I also fell on the ground. I raised the RAULA of MAR DITTA-MAR DITTA to save myself. People gathered on the spot. Upon seeing the gathering, all the three persons fled away alongwith their weapons. In the meantime, Rakesh Kumar, who is father of Deepak Kumar and Yogesh son of Tejinder Sharma, resident of Sahib Nagar Theri came on the spot and shifted us to Vardhman Hospital, Urban Estate for treatment. Taking into consideration our condition, the doctor referred us to Rajindra Hospital, Patiala. Rakesh Kumar, father of Deepak Kumar, got admitted both of us to Rajindra Hospital, Patiala. However, Doctor Sahib declared Deepak Kumar as dead and I am under treatment. Aforesaid Lalla, in connivance with his accomplice, has attacked us due to his grudge with Deepak Kumar arising out of old disputes and they have inflicted injuries upon us with an intention to kill us. With that Deepak Kumar has died. I have got recorded my statement in the presence of Rakesh Kumar, father of Deepak Kumar. The statement has been read out to me and is correct. Legal action may be taken against aforesaid persons. Sd/- Raju, endorsement of statement Sd/- Rakesh Kumar son of Chaman Lal, resident of Sahib Nagar Theri, District Patiala.”

4. Learned State counsel has further submitted that the complainant during his deposition had supported the case of the prosecution

and identified the petitioner as being one of the alleged assailants, who had inflicted injuries on his abdomen. It is further submitted that during the pendency of the FIR in question, the complainant has expired. On a further query learned State counsel has not disputed that the petitioner does not have any previous criminal antecedents, however, it has been brought to the notice of this Court that the petitioner has been booked for offences under the Prisons Act, 2023. The next date fixed before the learned Trial Court is 26.03.2025 when some of the remaining 19 prosecution witnesses are likely to be examined.

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

6. The petitioner has been in custody since 17.03.2021. The petitioner, as not disputed, has been attributed an injury on the person of the complainant; fatal injury on the deceased has not been attributed to the petitioner. The trial would take considerable time to conclude with 19 prosecution witnesses remaining to be examined. Hence, this Court deems it fit to admit the petitioner to bail.

7. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds 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.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

24.03.2025

lucky

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No