

**IN THE COURT OF KAWALJIT SINGH,
ADDITIONAL SESSIONS JUDGE, TARN TARAN.
(UID No.PB-0155)**

Case Type	Bail Application
Filing Number	239/2021 Filing Date: 19.01.2021
Registration Number	161/2021 Date of Registration: 21.01.2021
CNR Number	PBTT0100-0280-2021
Date of Decision	16.04.2021

Lovepreet Singh alias Labha, aged about 24 years, son of Sukhdev Singh,
resident of village Bhura Kohna, Tehsil Patti, District Tarn Taran.

(Applicant-accused)

Versus

State of Punjab

(Respondent)

FIR No.146 dated 30.11.2020
U/s 302/120-B/506/148/149 IPC
Police Station : Khem Karan

BAIL APPLICATION U/S 439 Cr.P.C.

Present: Shri Harjinder Singh Sokhi, Advocate, Ld. Counsel for the
applicant-accused
Shri Charanjit Singh, Ld. Additional Public Prosecutor for
respondent/State of Punjab assisted by Shri Jaideep Ratti,
Advocate, Ld.Counsel for the complainant

ORDER

1. Applicant-accused has filed the instant bail application under Section 439 Cr.P.C., seeking regular bail in the above noted case.
2. Briefly stated, the facts of the case as per the prosecution story are that criminal machinery in this case was set into motion by complainant Gurbhinder Singh son of Sukhdev Singh, resident of Mehmoodpura, who in the statement got recorded by him with the police stated that on 29.11.2020, he, along with his family, was taking part in the Shagun ceremony function. In the evening he, along with son of his paternal uncle namely Anmolpreet Singh, maternal uncle Shaminder Singh and Balwinder Singh, went to Khemkaran on their motorcycles for making certain purchases. Complainant

and Anmolpreet Singh were on a bullet motorcycle whereas Shaminder Singh and Balwinder Singh were on separate motorcycles. On their return journey, when they reached near Bohri Wala Stop of Bhura Kohna at about 6.30 P.M., then Kirandeep Kaur alias Maro alias Ninder Kaur and her sister Amarjit Kaur, married at Manawa village, came on Activa Scooter and met them. They had called the complainant there. Complainant started talking to his friend Kirandeep Kaur alias Maro alias Ninder Kaur. In the meanwhile an Innova vehicle came there and on observing that Kirandeep Kaur alias Maro alias Ninder Kaur stated that Labha had arrived. Then she, along with her sister Amarjit Kaur ran away. Complainant also sped away on his motorcycle. Innova car was being driven by Lovepreet Singh alias Labha son of Sukhdev Singh alias Sukha, resident of Bhoora Kohna and Aman Singh alias Mani, resident of Bhoora Kohna was sitting with him on the front seat, whereas on the rear seat Nishan Singh and 2-3 unidentified persons were sitting. Lovepreet Singh alias Labha hit his Innova vehicle against the motorcycle of complainant with the intention to kill him. Resultantly both the riders fell down. Lovepreet Singh alias Labha, Aman Singh alias Mani, Nishan Singh and unidentified persons got down from the Innova vehicle and gave slaps to the complainant and Anmolpreet Singh. In the meanwhile, Shaminder Singh and Balwinder Singh also arrived at the spot and the assailants left the spot in their Innova vehicle. Anmolpreet Singh had suffered serious injuries and he was removed to Simran Hospital at Bhikhiwind from where he was referred to hospital at Amritsar and while, being taken there, he died on the way. The matter was reported to the police. The motive for the incident was that complainant had friendly relations with Kirandeep Kaur alias Maro alias Ninder Kaur and Lovepreet Singh alias

Labha was annoyed for the said reason and he had been giving threats that complainant should end his relationship with Kirandeep Kaur alias Maro alias Ninder Kaur, otherwise he would be killed and for this reason, this incident had taken place. After registration of the formal FIR, the investigation in the case started, which revealed that petitioner Kiranpreet Kaur alias Maro alias Ninder Kaur was member of unlawful assembly and offence was committed in prosecution of common object of that unlawful assembly.

3. It is argued by the learned Counsel for the applicant that as per allegations of the complainant, the applicant and other co-accused were not armed with any deadly weapons. In case the applicant and co-accused had the intention to commit murder, certainly they would have come prepared with weapons. It is submitted that the applicant has no connection, whatsoever, with Kirandeep Kaur alias Maro alias Ninder Kaur. In fact, at the most it had been a case of accident only, which has been given the colour of murder without any basis. It is submitted that not even a single word was exchanged between the complainant and the accused persons. The applicant is in custody since 30.11.2020. No useful purpose would be served by keeping the accused behind the bars for indefinite period. Hence, the present bail application.

4. On the other hand, the bail application is strongly opposed by the learned Additional Public Prosecutor for the State and prayed that bail application may kindly be dismissed. It is submitted that accused-applicant has committed this heinous crime. Applicant had been a member of unlawful assembly and the offence was committed in furtherance of common object of unlawful assembly, whereby they have caused the death of Anmolpreet

Singh. Applicant, as such, the applicant/accused is not entitled for regular bail in view of the gravity of offence and seriousness of the allegations. He prayed that bail application may kindly be dismissed.

5. I have considered the rival contentions of both the parties and perused the record.

6. As per the investigation conducted and the challan so presented, it comes out that there are well founded allegations against the applicant that his co-accused Amarjit Kaur and her sister co-accused Kiranpreet Kaur alias Maro alias Ninder Kaur had summoned their co-accused i.e. applicant Lovepreet Singh alias Labha, Nishan Singh, Aman Singh alias Mani and other unidentified persons in pursuance of the conspiracy to commit murder. The applicant had been the member of this unlawful assembly and he had been driving the vehicle involved in this incident and had hit the motorcycle being driven by complainant and deceased Anmolpreet Singh with an intention to commit murder resulting into the death of Anmolpreet Singh. Applicant had actively participated in this incident as applicant as it is him who had been driving the vehicle and also applicant along with his co-accused Nishan Singh, Manbir Singh alias Mani alias Aman and unidentified persons got down from the Innova vehicle and also gave slaps to the complainant and the deceased Anmolpreet Singh.

7. As per Section 149 IPC, if any offence is committed by any member of unlawful assembly in prosecution of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person, who at the time of committing of that offence, is a member of the same assembly, is guilty of that offence. There are serious allegations against the applicant to have

committed this heinous crime of murder. Thus, keeping in view the gravity of offence and seriousness of the allegations against the applicant, applicant/accused is not found entitled for grant of regular bail. Consequently, the present bail application is hereby dismissed. However, it is made clear that observations, made herein above, shall not be construed as an expression on the merits of the main case. Record be returned and the bail application file be consigned to the record room.

Pronounced in open court:

Dated : 16.04.2021

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Kawaljit Singh
Additional Sessions Judge, Tarn Taran
UID-PB-0155