

AMITOZ SINGH

.....PETITIONER

VERSUS

STATE OF UT CHANDIGARH

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Karanvir Singh Khehar, Advocate
for the petitioner.

Mr. Sukant Gupta, APP, UT Chandigarh.

JASPAL SINGH, J (ORAL)

Instant petition has been preferred by Amitoz Singh under Section 439 Cr.P.C. seeking regular bail in case FIR No. 29 dated January 16, 2015 under Sections 392/34 IPC and Section 66-A of Information and Technology Act, registered at Police Station Sector 26, Chandigarh.

2. Instant case has been got registered on the basis of complaint moved by Ms. Kavita C. Dass, Principal, St. John's High School, Chandigarh with the allegations that three boys namely Rajveer Singh, Rattan Lubana and Amitoz Singh who do not belong to her school have been extending threats and terrorizing students of her school and are indulging in extorting money from them. Written requests in this regard have also been moved by parents of such students. Further accusation against boys are that they had been abusing and threatening the students on their facebook accounts as well as on mobile phones and also by visiting their houses by showing them firearms. They also compelling the students to steal liquor from their houses and provide them, and in case the same

is not done, they will be exploited sexually. Accordingly, instant case was registered and investigation was put into motion.

3. Learned counsel for the petitioner has submitted that petitioner has been falsely implicated in the instant case and he never indulged in extending threats as has been alleged by prosecution. Petitioner was arrested in this case on January 16, 2015 and after subjecting custodial interrogation, he has been sent in judicial custody and now suffering incarceration in jail. Moreover, all the material witnesses have either been examined or given up by the prosecution. The co-accused of petitioner namely Rattan Chand has already been granted the concession of bail by a co-ordinate Bench of this Court vide order dated May 21, 2015 passed in CRM No. M-10920 of 2015 and in the given circumstances no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

4. The above-said submissions have been strongly opposed by learned APP for UT Chandigarh submitting that serious allegations have been levelled against petitioner, of extending threats to the lives and liberty of minor school going children as well as for robbing and extorting money from them. Since the matter is of serious and grave nature, petitioner does not deserves the concession of bail.

5. This Court has given an anxious thought to the submissions made by learned counsel for the parties and have also gone through the record available on file.

6. Undoubtedly, petitioner was arrested in this case on January 16, 2015 and after having subjected custodial interrogation, he was remanded to judicial custody. He is suffering incarceration since the date of his arrest i.e. January 16, 2015. During the course of arguments, it has also been submitted by learned

APP for UT Chandigarh that all the aggrieved persons have either been examined or given up, and only official witnesses remain to be examined. Since, material witnesses have been examined, there is no question of putting any pressure on them for effecting any compromise or terrorizing them for not appearing in Court or pursuing the case.

7. Here, it would also be pertinent to mention that co-accused of petitioner namely Rattan Chand has already been granted the concession of bail by a co-ordinate Bench of this Court vide order dated May 21, 2015 passed in CRM No. M-10920 of 2015. Case of petitioner is not on different footing than that of Rattan Chand. On the doctrine of parity, petitioner also deserves the concession of bail.

7. In view of what has been discussed above, instant petition is allowed and petitioner is ordered to be released on bail at the satisfaction of learned trial Court

JULY 27, 2015
SHAM

(JASPAL SINGH)
JUDGE