

CRM-M-12661 and 26922 of 2017

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

**CRM-M-12661 of 2017
Date of Decision: 23.10.2017**

Gurpreet Singh @ Gopi and anotherPetitioners

Vs.

State of PunjabRespondents

CRM-M-26922 of 2017

Vikas JollyPetitioner

vs.

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. J.S. Thakur, Advocate,
for the petitioners in CRM-M-12661 of 2017.

Mr. Munish Puri, Advocate,
for the petitioner in CRM-M-26922-2017.

Mr. Sandeep Mann, A.A.G., Punjab.

Mr. J.S. Lalli, Advocate,
for the 'victim'/complainant.

AMOL RATTAN SINGH, J. (ORAL)

Learned State counsel, on instructions, submits that out of 23 prosecution witnesses, 04 have been examined, with 01 prosecution witness stated to be a material witness, i.e. Kamal Jain, having been given up by the prosecution.

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Saurabh Bhalla, the other witness who was contended on behalf of the complainant to be a material witness, (who has also been referred to in the last order of this Court dated 29.09.2017), is stated to have been examined by the trial Court.

Learned counsel for the complainant has, on the other hand, argued that the victim (i.e. the person who was allegedly being kidnapped, Mohinder Kumar), was recovered from the custody of the petitioners upon a check post having been established by the police, with CCTV footage also available showing all six accused to have stayed together at a particular hotel.

He has further submitted that an offence punishable under Section 364-A IPC, carries even a death penalty with it as the maximum punishment, and therefore the petitioners are not entitled to the concession of bail even at this stage.

He has next submitted that two .32 bore revolvers were recovered from the petitioners by the police, i.e. from petitioner no. 1 Gurpeet Singh (in CRM-M-12661 of 2017) and his co-accused Raman Kumar.

Learned counsel has also referred to an order passed by this Court in CRM-M-14486 of 2017 on 14.09.2017, dismissing that petition by which cancellation of the bail granted to one Gurdev Singh, (one of the co-accused) was sought.

Vide the said order (produced in Court today), while noticing the contention of the counsel (for the petitioner in that case), the trial Court had been directed to ensure that the trial is concluded within a period of four months from the date of that order.

Having considered the aforesaid arguments, the material witnesses all having been examined, with one of them given up and the remaining witnesses being only police officials/Government officials, and the petitioners having

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remained in custody for about 1 year and 4 months as of today, with the trial obviously no where near conclusion as 18 witnesses are still to be examined, in the opinion of this Court, the petitioners now should be admitted to bail.

Consequently, these petitions are allowed and the petitioners are ordered to be admitted to bail, upon their furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

However, nothing observed herein-above in this order, as per contentions raised on either side, shall be considered by the trial Court to be any comment by this Court on the merits of the case, either against or for the petitioners, which naturally would be gone into by that Court entirely upon the basis of the evidence led before it.

The direction to the trial Court already given in CRM-M-14486 of 2017, is reiterated, to try and conclude the trial by 14.01.2018.

October 23, 2017
nitin/poonam (II)

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No.