

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

Hemlata
2017.12.05 17:42
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CRM-M-29395-2017(O&M)

Date of decision: 05.12.2017

Lakhwinder Singh @ Kala

...Petitioner

Versus

State of Punjab

...Respondent

CRM-M-35707-2017(O&M)

Bablu Singh alias Saranjit Singh

...Petitioner

Versus

State of Punjab

...Respondent.

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. D.S.Malwai, Advocate for the petitioner
In CRM-M-29395-2017

Mr. Rajbir Singh, Advocate, for the petitioner
In CRM-M-35707-2017

Ms. Rajni Gupta, Sr. DAG, Punjab.

Mr. Rishav Jain, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

This order shall dispose of above mentioned two petitions as they arise from the same FIR.

Prayer in these petitions is for grant of regular bail to the petitioners in case FIR No. 154 dated 24.05.2017, under Sections 384, 389, 342, 506, 120-B IPC and Section 67/67-A of IT Act, registered at Police Station City Sangrur.

It is submitted on behalf of the petitioners that the petitioners are in judicial lock up since 25.05.2017 and as per allegation in the FIR, Bablu has taken photographs on his mobile phone and by threatening to upload the photographs on networking site, they have forced the complainant to part with Rs.50,000/-. Counsel for the petitioners further submits that two of the co-accused namely, Gurpreet Singh @ Billa @ Goldy and Tarsem Singh @

Goma have been granted concession of regular bail in CRM-M-32947 of 2017 and CRM-M-34368 of 2017, vide order dated 01.11.2017, by passing the following order:-

“Prayer in these petitions is for grant of regular bail to the petitioners in case FIR No. 154 dated 24.05.2017, under Sections 384, 389, 342, 506, 120-B IPC and Section 67/67-A of IT Act (Amended Sections 395, 342, 201, 120-B IPC along with Sections 67 and 67-A added later on), registered at Police Station City Sangrur.

It is submitted on behalf of the petitioners that as per allegation in the FIR, the allegations against petitioners-Tarsem Singh alias Goma and Gurpreet Singh @ Billa @ Goldy are that they had come to the field of the complainant along with one unknown lady, where the complainant was working, they started raising raula in high pitch and locked the complainant and one Somnath in the motor room and extended threats to his life by showing the swords. In conspiracy with each other, they clicked some photographs of the unknown lady with the complainant and Somnath on their mobile phone and threatened that they will upload the same on internet and implicate them by giving complaint to the police. Counsel for the petitioner further submits that a perusal of the FIR further shows that on next day i.e. 23.05.2017, co-accused Lakhwinder Singh and Bablu demanded Rs.50,000/- from the complainant which was handed over to them and Lakhwinder Singh made another demand of Rs.1 lac from them. It is thus, submitted that the allegation with regard to demand or acceptance of money relates to two other co-accused Lakhwinder Singh and Bablu. It is further submitted that the petitioners are in judicial lock up since 25.05.2017 and the challan has already been presented before the trial Court and it will take long time to conclude of the trial.

Learned State counsel, assisted by learned counsel for the complainant, on instructions from ASI Gurtej Singh, has opposed the bail on the ground that recovery of Rs.10,000/- and Rs.2000/- each from the petitioners is yet to be made.

Considering the fact that the petitioners are in judicial lock up since 25.05.2017 and the report under Section 173 Cr.P.C. has already presented before the trial Court, without commenting upon merits of the case , the present petitions are allowed. Petitioners are directed to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court.”

On the other hand, learned State counsel, assisted by learned counsel for the complainant, on instructions from ASI Gurtej Singh, has opposed the bail on the ground that the recovery of marked currency note of Rs.10,000/- each has been made as well as motorcycle and a stick were recovered from the petitioner-Lakhwinder Singh and a *kripan* was recovered from the petitioner-Bablu.

Considering the fact that the petitioners are in judicial lock up since 25.05.2017; the report under Section 173 Cr.P.C. has already presented before the trial Court; it will take long time in conclusion of the trial as 18 prosecution witnesses are cited and the evidence is yet to be started; without commenting upon merits of the case, the present petitions are allowed. Petitioners are directed to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

However, it will be open for the prosecution to apply for cancellation of bail in case the petitioners are found involved in any other subsequent case or found misusing concession of bail.

(ARVIND SINGH SANGWAN)
JUDGE

05.12.2017

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No