

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

CRM-M No.20298 of 2017

Date of decision: 22nd February, 2018

Sonu Bullad @ Satish Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Vishavjeet Singh, Advocate for the petitioner.

Mr. B.S. Sewak, Addl. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Sonu Bullad alias Satish Kumar in this second regular bail application filed under Section 439 Cr.P.C. in case bearing FIR No.262 dated 07.08.2016 registered at Police Station Basti Jodhewal, District Ludhiana under Sections 364-A/384/34 IPC, are that a ransom call was received on mobile phone of complainant Radhey Sham Kumar Ram, cousin brother of the victim Munna Kumar Ram that the latter has been kidnapped and a demand of Rs.1.50 lacs as ransom money to be deposited in the bank account has been made. It is as a consequence thereof on 08.09.2016 the complainant came to Ludhiana and along with police party on the basis of secret information raid was conducted at Sunita Da Vehra from where victim Munna Kumar Ram was recovered and at the time of raid two of the accused Harminder Giri

and Gurpreet Singh were apprehended whereas the present petitioner is alleged to have fled from the spot and was identified in the Court.

Contentions of the learned counsel for the petitioner are that the petitioner is behind bars since 21.09.2016 and that there is not an iota of evidence to link the petitioner with commission of the offence as neither any test identification parade has been undertaken nor any recovery has been effected from the petitioner.

The bail application is sought to be opposed by learned State counsel Mr. B.S. Sewak, Addl. Advocate General, Punjab on the grounds of heinousness of the offence and seriousness of allegations together with the fact that if allowed bail petitioner would influence the witnesses.

Appreciating the submissions, the own admission by learned State counsel that there is neither any holding of test identification parade to identify the petitioner to be one of the accused and the fact that till date the victim has not testified in Court and the very legality and validity of such a statement of co-accused is a debatable issue which is the primary axis on which case of the prosecution revolves against the present petitioner at this juncture, the period of inordinate incarceration and the fact that culpability if any, shall be determined at the trial which is not likely to conclude in near future, impels this Court to allow the prayer and to hold that further detention of the petitioner in the present case is

unwarranted. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

February 22, 2018
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No