

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

**CRM-M-5935 of 2018 (O&M)
Date of Decision: February 21, 2018**

Mandeep Singh

...Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. M.K. Dogra, Advocate
for the petitioner.

Mr. B.S. Sewak, Addl. A.G. Punjab.

FATEH DEEP SINGH, J.

Learned State counsel on instructions from ASI Rupinder Singh, Police Station, Jodhan, Ludhiana submits that on previous occasion i.e. 16.01.2018 he has made statement on wrong instructions received from the official, who has come present to assist him and in fact only 05 Pws have been examined that too partially.

The allegations against the petitioner Mandeep Singh son of Gurmail Singh in this 3rd regular bail application under Section 439 Cr.P.C (since second application was withdrawn on wrong statement of learned State counsel as is submitted by State counsel) are that on 28.4.2016 Police received information that one Ranjit Singh son of Pal Singh resident of village Dhapai, Police Station, Johdan had gone for evening stroll but did not return back leading to registration of present case and on 30.4.2016 the

victim is alleged to have made a statement of the manner in which he has been kidnapped for which Rs.30,00000/- was taken as ransom for his release. As per the allegations, the role assigned to the petitioner is that consequent upon his arrest on 02.5.2016 he made a disclosure statement and as a consequence of which Rs.28,90,000/- was got recovered from Scorpio vehicle used in the commission of offence and the only allegation is that he had conspired in the abduction of the victim.

Learned counsel for the petitioner contended that the petitioner is behind the bars since more than one year and ten months and that the victim and petitioner happened to be first cousins being sons of real sisters and there is land dispute between them and the petitioner has been falsely implicated and has sought to place reliance on the fact that the petitioner is a big land owner and has received the money alleged to have been recovered from the sale of his agricultural produce for which he has been issued Form-J by the concerned quarter and that there are nothing to link the petitioner with the commission of crime and that he has been falsely implicated as vengeance to force him not to lay claim over the disputed property.

Learned State counsel opposed the grant of bail on the grounds of seriousness of allegations and heinousness of offence. Besides the fact that if allowed bail, the petitioner would influence the witnesses, though has not displaced the contention as to the *inter se* relationship of the victim and petitioner as well as the factum of land dispute between them.

Appreciating the submissions, as per the own stand of the State, it was after almost four days of the alleged occurrence name of the

petitioner has been cropped up in the statement of co-accused, legality and validity of which is subject matter of judicial adjudication. Learned State counsel to the very query of the Court could not show how the alleged amount so recovered from the petitioner is connected with the ransom amount and that it is the own stand of the State that the parties are closely related and had a land dispute certainly puts the Court to its guard to rule out any possibility of false implication which is a subject matter of judicial adjudication.

In view thereof and keeping in view that the trial is not likely to be concluded in near future culpability if any shall be decided at the trial and no useful purpose would be served by keeping the petitioner behind the bars, without adverting anything on the merits of the case, the present petition for grant of regular bail is allowed. Petitioner be admitted to bail to the satisfaction of the trial Court.

(FATEH DEEP SINGH)
JUDGE

February 21, 2018
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No