

CRM-M-9046 of 2018

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

CRM-M-9046 of 2018

Date of Decision: May 11, 2018

Gurjant 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. Jagmohan Ghumman, DAG, Punjab.

Mr. Prateek Gupta, Advocate
for the complainant

FATEH DEEP SINGH, J.

This order shall dispose off second regular bail application of petitioner-Gurjant Singh. The case of the prosecution is that Ranjit Singh, son of Paul Singh of village Dhapai had gone for evening walk but failed to return back on the basis of which present case was got registered and on 30.4.2016 on his return, victim has made a statement that he was kidnapped by accused alleging that demand of Rs.30 lacs was made as ransom for his release. The allegations against the petitioner are that he in connivance and conspiracy with his co-accused Mandeep Singh, the latter being first cousin of the victim were instrumental in its kidnapping leading to arrest of the petitioner on 02.05.2016.

It has been argued with much vehemence by the learned

counsel for the petitioner that there is no proof that the accused-petitioner was ever instrumental in this kidnapping or there has ever been any kidnapping and that alleged victim and the co-accused/Mandeep Singh happens to be the first cousins, the latter cultivating 17 acres of land of the complainant-victim and intended to purchase the same which was sold off to other buyer and in order to get possession back the accused side has been falsely implicated and that the petitioner is behind the bars for almost more than two years and the trial is not likely to be concluded in near future and that principal accused-Mandeep Singh has been allowed bail vide order dated 21.5.2018 of this Court.

The bail application is stoutly opposed by learned State counsel assisted by Mr. Prateek Gupta, learned counsel for the complainant on the grounds that there are serious allegations against the accused side and the petitioner was instrumental in this kidnapping and there is every likelihood that if allowed bail, the petitioner side would influence the witnesses, who belongs to the same area.

Going through the submissions of the two sides, as is there and admitted by the learned State counsel there is no direct evidence to link the petitioner with the commission of offence nor could place on record any transcription of alleged telephonic call by the accused side with the complainant party. Besides the fact that occurrence has taken place on 28.4.2016 and the petitioner has been arrested on 02.05.2016 and has undergone sufficient incarceration and that culpability, if any, shall be determined at the time of trial and since the principal accused has already been allowed bail by this Court, thus, it would be travesty of justice, if

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principle of parity is not allowed to him.

In the light of the same and the fact that there is land dispute between the parties which is strong circumstance that weighs heavily in the mind of the Court and that the trial is not likely to be concluded in near future 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

May 11, 2018
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No