

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

CRM-M-12830-2020 (O&M)

Date of decision: 10.06.2020

LAKHWINDER SINGH @ GAGAN

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Sh. Arshdeep Singh Kler, Advocate
for the petitioner.

Mr. H.S. Sullar, DAG, Punjab.

*(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in
Virtual Court)*

GURVINDER SINGH GILL, J. (ORAL)

1. Today at the very outset, Sh. Arshdeep Singh Kler, Advocate has informed that he has been engaged in the present case and has filed his power of attorney after obtaining no objection from the previous counsel i.e. Sh.Sandeep Verma, Advocate.
2. The petitioner has filed this petition seeking grant of regular bail in a case registered against him vide FIR No.464 dated 18.12.2019 under Sections 365, 201 read with Section 120-B IPC at Police Station Zirakpur, District SAS Nagar, Mohali.
3. The FIR in question was lodged at the instance of Vijay Kumar Jindal wherein it has been alleged that his son Harshit Jindal is an Advocate and

had opened an office under the name and style of Jindal Association in Sohi Banquet Hall near Zirakpur. It is alleged that on 18.12.2019 when his son was about to return back home from his office at about 5:10 p.m. then four persons alighted from one car bearing registration No.CH03-J-5133 which was parked near to the car of complainant's son and the said persons kidnapped his son. The complainant has stated therein that the said information was furnished to him telephonically by Ranjit who works in the office of his son. Although the complainant made efforts to look for his son but he could not be traced.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and in fact he is not named in the FIR. It has further been submitted that even after the complainant's son was recovered, he also did not name the present petitioner to be one of his kidnappers.
4. Opposing the petition the learned State counsel has submitted that since one of the co-accused namely Inderbir Singh under whose name car bearing registration No.CH03-J-5133 has been registered had got his statement recorded disclosing the name of the petitioner, no case for grant of bail is made out. It has however been informed that the petitioner has been behind bars since 30.12.2019 and that he is not involved in any other case. It has also been informed that although '*challan*' has been presented but charges are yet to be framed.
6. I have considered rival submissions addressed before this Court. Keeping in view the facts and circumstances of the case and while bearing in mind

that the petitioner has neither been named by the complainant nor by his son (detenue) and has been nominated on the basis of disclosure statement made by co-accused and is not even stated to be involved in any other case, in my opinion, further detention of the petitioner will not serve any purpose especially bearing in mind that trial is yet to commence.

7. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(GURVINDER SINGH GILL)
JUDGE

10.06.2020
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No