

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

**CRM-M No.13027 of 2020 (O&M)
Date of Decision : 17.06.2020**

Gurkirat Singh @ Lucky

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Brijeshwar S. Bhalla, Advocate
for the Petitioner.

Mr. Ajay Pal S. Gill, Dy. Advocate General, Punjab
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

CRM No.13437 of 2020

For the reasons mentioned in the application, the Applicant/
Petitioner is permitted to place on record the documents being Annexures
P-2 to P-4, subject to all just exceptions.

Application stands disposed off.

CRM-M No.13027 of 2020

The instant Petition has been filed under Section 439 of the
Code of Criminal Procedure seeking Regular Bail in case FIR No.194, dated
14th December, 2017, registered under Sections 307, 34, 120-B of the Indian
Penal Code, 1860 (Section 387 of the IPC added later on) and Sections 25
and 27 of the Arms Act, 1959, at Police Station Nihal Singh Wala, District
Moga.

2. On 8th June, 2020 the following order was passed :-

“...During course of arguments, it has come to fore that the original challan was presented on 28.12.2018 in which petitioner was not shown to be an accused. The complicity of the petitioner is based on disclosure statement of accused Sukhpreet Singh @ Budha, according to which, the petitioner had extorted ransom amount of Rs.2,00,000/- from one Baljit Singh @ Baggi, a cloth merchant and paid that amount to Sukhpreet Singh @ Budha for the commission of the present offence. The disclosure statement of Sukhpreet Singh @ Budha was recorded on 31.01.2020 and the petitioner was apprehended on that very day. Supplementary challan was presented on 01.04.2020. Statement of Baljit Singh @ Baggi, if any, recorded by the police would be relevant in the context of complicity of the petitioner.

Let a specific affidavit be filed by the Investigating Officer in respect of status of investigation viz-a-viz the petitioner. The factum of recording the statement of Baljit Singh @ Baggi be also brought on record...”

3. Ld. Counsel for the State with reference to the above direction submits that the Affidavit supplied to him does not refer to the specific question of the factum of recording the Statement of Baljit Singh @ Baggi.
4. On the other hand from the documents filed on behalf of the Petitioner, it would appear that he applied for getting a certified copy of the purported Statement of Baljit Singh @ Baggi under Section 161 Cr.P.C. vide Annexure P-2, but the Office of Ld. Additional Civil Judge Senior Division-cum-SDJM, Moga reported that no such Statement of Baljit Singh @ Baggi was available on the Judicial File.
5. Further perusal of the List of Witnesses submitted along with the Challan (Annexure P-4) also goes to show that the said Baljit Singh @ Baggi has not even been cited as witness from the Prosecution Side.

6. In such circumstances, the alleged material, if at all available against the Petitioner, is extremely sketchy being at the most the Disclosure Statement of the Co-accused, namely Sukhpreet Singh @ Budha.

7. The Petitioner has remained in detention more than 4 ½ months now.

8. There is no record of his involvement in any other criminal case and Challan against him has already been submitted after completion of investigation.

9. In the totality of all the above circumstances and without commenting upon the other merits of the case, at this stage, this Court is of the opinion that further detention of the Petitioner for an indefinite period is not justified. As such, he is ordered to be released on bail subject to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

10. Disposed off.

June 17, 2020
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No