

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

CRM-M-14024-2020 (O&M)

Date of decision: 25.06.2020

Gurdev Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Aakash Singla, Advocate
for the petitioner.

Mr. R. S. Thind, DAG, Punjab.

(Through Video Conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

CRM-14485-2020

Prayer in this application is for addition of Section 201 IPC in
the head note and prayer clause of the main petition.

For the reasons stated in the application, the same is allowed.

Registry is directed to make the necessary correction in the
head note as well as prayer clause of the main petition.

CRM-M-14024-2020

This petition has been filed under Section 439 of the Code of
Criminal Procedure for grant of regular bail to the petitioner in case
FIR No. 9 dated 28.01.2020, registered under Sections 386, 387, 506, 34
and 201 (added later on) of the IPC at Police Station Sanaur, District
Patiala.

Learned counsel for the petitioner relies upon order dated 15.06.2020 passed by this Court in CRM-M-12881-2020, vide which co-accused Chamanpreet Singh has been granted concession of regular bail. The operative part of the order reads as under:

“5. The story in the FIR is that on 7.12.2019 the complainant received the alleged letter vide which some unknown persons sought ransom for Rs.50 lac asking him to pay the same at Gurdwara Shaheed Signhan, situated on Chappar – Ghanaur Road. He did not pay any attention to said letter. Then on 12.01.2020 the complainant received a phone call. The caller said that you have not served our purpose, hence now, you just wait for dire consequences. Then the complainant disclosed the matter to Mohinder Singh and they verified the matter on their own level. The complainant said that the alleged letter is got typed by Gurdev Singh and his associate namely Chamanpreet Singh (the present petitioner).

6. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further submits that the FIR has been registered without any inquiry and merely on bald allegations of the complainant. He submits that the petitioner has never even met the complainant and does not know him at all. There is nothing to be recovered from the petitioner. The trial is likely to take some time to conclude and therefore, the petitioner is entitled to be enlarged on bail.

7. Per contra, Mr. Sandeep Vermani, Addl. AG, Punjab, learned counsel appearing on behalf of the respondent-State opposes the grant of regular bail to the petitioner.

8. I have heard learned counsel for the parties.

9. The trial will take some time. Challan has been presented. As per custody certificate dated 15.06.2020 submitted by learned State counsel, the petitioner is in custody since 02.02.2020. No useful purpose will be served in keeping the petitioner in jail pending trial. At this stage, without going into merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail pending trial on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made by this Court shall not be construed to be an expression on the merit of the case.”

Learned counsel for the petitioner further submits that the allegations against the petitioner are identical in nature and the police, without verifying the facts, has registered the FIR which only contains the allegations of demanding some extortion money.

Learned counsel for the petitioner further submits that petitioner is in judicial custody since 28.01.2020; investigation is complete and challan stands presented. It is further submitted that petitioner is not involved in any other case.

Learned State counsel has not disputed the fact that said co-accused has already been granted concession of regular bail and the petitioner is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner is in judicial custody since 28.01.2020; similarly situated co-accused of the petitioner has already been granted concession of

regular bail as noticed above and also in view of the fact that conclusion of trial is likely to take some time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety to the satisfaction of the trial Court/Duty Magistrate concerned.

25.06.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No