

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(208)

CRM-M-15885-2020

Date of Decision : 25.08.2020

Amanjeet Singh @ Beeru

....Petitioner

Versus

State of Punjab

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Ms. Satpreet Grewal, Advocate for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No.03 dated 01.05.2019, under Sections 377, 388, 389, 109, 115, 116, 120-B of IPC, registered at Police Station SSOC, SAS Nagar, Mohali.

Learned counsel for the petitioner argues that the petitioner has been roped in on the basis of a disclosure statement of co-accused. Learned counsel submits that the complainant never named the petitioner in the FIR and no act has been stated to have been committed by the petitioner. Learned counsel for the petitioner further submits that there were total 11 accused in the present FIR, out of whom, the officials, namely, Rajan Kapoor, Harjeet Singh, Vikas Sharma and Narender Kumar, have already

been granted the benefit of bail/anticipatory bail, as the case may be, but the benefit of bail has been declined to the petitioner though, no role has been attributed to him in whole of the incident except alleged beating given by the petitioner to the complainant.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent-State. Learned State counsel submits that there are specific allegations against the petitioner that he used to assist the gangsters, who used to issue threats to the inmates of the jail and used to extort money from them. Learned State counsel does not dispute that the Government officials, against whom, the allegation of extortion was alleged, have already been extended the benefit of bail or anticipatory bail as the case may be.

I have heard learned counsel for the parties and have gone through the record very carefully.

Once, there are no specific allegations alleged by the complainant against the petitioner and no role has been attributed to the petitioner in respect of extortion of the money from the inmates of the jail in the FIR and the allegation that the petitioner is part and parcel of the extortion gang operating in jail, are yet to be proved before the Court of Law, the petitioner has made out a case for the grant of regular bail in respect of the present FIR, especially in the view of the fact that the other co-accused have already been granted the benefit of bail/anticipatory bail.

In view of the above and without commenting upon the merits

of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned, in case he is not wanted in any other case.

Learned counsel for the petitioner undertakes that petitioner will not influence the trial in any manner as the challan has already been presented and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

August 25, 2020
kanchan/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No