

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

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**CRM-M-16872-2020
Date of Decision : 16.11.2020**

VARINDER KUMAR @ DHALLA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Atul Lakhanpal, Senior Advocate with
Mr. Arjun Lakhanpal, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, Asstt. A.G., Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J. (Oral)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.279 dated 20.10.2019 registered under Sections 386 and 120 B of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station City Faridkot, District Faridkot.

The above said FIR was registered on statement of Dalip Chopra who alleged that he received whats app calls on his mobile number from one Sonu who disclosed himself to be head of Devinder Bambi group and claimed that number of cases of murder, snatching and dacoity had been registered against him. He later disclosed his name as Kirpal Singh @ Pala and demanded ransom and threatened to kill him if the money demanded was not paid. Pursuant to registration of FIR the police investigated the case and arrested Kirpal Singh @ Pala. During interrogation Kirpal Singh @ Pala disclosed that phone number of the complainant was supplied to him by Varendar Kumar @ Dhalla (petitioner). On completion of investigation, the police filed chargesheet against Kirpal Singh @ Pala and the present petitioner.

The petition for grant of regular bail has been opposed by

the respondent-State in terms of reply filed by way of affidavit of Satvinder Singh Virk, PPS, Deputy Superintendent of Police, Sub Division Faridkot, District Faridkot.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the record.

Learned Counsel for the petitioner has argued that the petitioner did not commit any offence. The petitioner has been falsely implicated in the case on the basis of disclosure statement of co-accused Kirpal Singh @ Pala regarding supplying of phone number of the complainant to him by the petitioner which is not of any evidentiary value against the petitioner. There is no other independent evidence against the petitioner. The petitioner is involved in 13 other cases out of which he has been acquitted in 8 cases. His involvement in other cases is no ground to deny bail in the present case when there is no cogent evidence regarding his involvement in the crime. Trial is likely to take long time and no useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on bail.

On the other hand, learned State Counsel has argued that the petitioner had supplied phone number of the complainant to his co-accused and had actively participated in the commission of the subject offences. The petitioner is habitual offender and involved in 13 other cases. In view of the gravity of accusation, the petitioner does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

The question of grant of bail to the petitioner has to be considered in view of the facts and circumstances of the case and nature of accusation and evidence against the petitioner and his involvement in other cases does not by itself disentitle him to grant of bail. Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, also the role attributed to the petitioner who is alleged to have merely supplied phone number of the complainant to his co-accused and the fact that the trial is likely to take long time due to restrictions imposed to prevent spread of COVID-19 but without commenting on merits of the case, I am of the considered

view that the petitioner deserves the concession of regular bail.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of requisite bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

16.11.2020

kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

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