

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32373 of 2020

Date of Decision : 26.10.2020

Gurjant Singh @ Bhola

...Petitioner

Versus

State of Punjab

...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Satpreet Grewal, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, 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 respect of FIR No.03 dated
01.05.2019 under Sections 377, 388, 389, 109, 115, 116, 120-B IPC
registered at Police Station SSOC, S.A.S Nagar, Mohali.

Learned counsel for the petitioner submits that the only
allegation against the petitioner is that he is a part of an extortion gang,
which extorts money from the other jail inmates and on their refusal, the jail
inmates are harassed and atrocities are committed upon them. Learned
counsel for the petitioner submits that the allegations, which have been
alleged against the petitioner are totally incorrect and false. Learned counsel
for the petitioner further submits that the jail officials namely, Rajan
Kapoor, Harjeet Singh, Vikas Sharma and Narinder Kumar have already
been granted the benefit of anticipatory bail in respect of the similar

allegations alleged in the FIR. Learned counsel for the petitioner further submits that the co-accused namely, Amanjeet Singh @ Beeru, who is also similarly situated as the petitioner has already been granted the benefit of regular bail by this Court while deciding CRM-M-15885 of 2020.

Mr. Sandeep Singh Deol, DAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition submits that there are specific allegations against the petitioner that he used to assist the extorters, who used to issue threats to the other jail inmates so as to extort money. Learned State counsel further submits that in the present case, the petitioner was accompanying the main accused, when the threat was issued to the complainant namely, Brijesh Kumar and, therefore, the prayer of the petitioner for the grant of regular bail be declined.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Only allegation against the petitioner is that he is a part of the gang, which used to extort money from the other jail inmates and in case of refusal jail inmates were harassed and the said allegation is yet to be proved in the Court of law. It is not disputed by the learned State counsel that the jail Officials namely, Rajan Kapoor, Harjeet Singh, Vikas Sharma and Narinder Kumar, have already been granted the benefit of anticipatory bail in respect of the similar allegations as alleged against the petitioner. Further, the co-accused namely, Amanjeet Singh @ Beeru, against whom, the similar allegations have been alleged, has been granted the benefit of regular bail by this Court while deciding CRM-M-15885 of 2020, the same benefit cannot be declined to the petitioner unless and until certain

differentiating facts are brought to the notice of this Court between the petitioner and the said co-accused Amanjeet Singh @ Beeru. As no differentiating fact has been brought to the notice of this Court, therefore the petitioner has made out a case for the grant of regular bail.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not obstruct the trial in any manner or influence the witnesses, whose statement is yet to be recorded 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.

October 26, 2020
aarti/naresh k.

(HARSIMRAN SINGH SETHI)
JUDGE

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