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

CRM-M No. 1517 of 2021
Date of Decision: 09.07.2021

Dalvir Singh @ Dimpy

-Petitioner

Vs

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Aminder Singh, Advocate,
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.147 dated 10.11.2019 under Sections 364-A, 386, 336, 171, 506, 120-B IPC and under Sections 25/27/54/59 of Arms Act registered at Police Station Moonak, District Sangrur.

FIR was registered against unknown persons on 10.11.2019 with the allegations that on 09.11.2019 at about 7 PM, 6-7 unidentified persons came at the shop of the complainant in one Scorpio car. Out of them, 02 persons were

sikh persons and rest were bangrus. Sikh persons had wore police uniform and were armed with revolver. Others were in civil clothes and one of them was carrying gun. On their arrival, they claimed themselves to be from CIA Staff and asked the complainant whether he is involved in betting. They took the complainant for questioning. The complainant denied having involved in betting. They physically assaulted the complainant and forcibly made him to sit in the car. They put black cloth on the face of the complainant and took him to a secluded place. They threatened the complainant that if he wants to be spared, then give them an amount of Rs.50 lacs. The complainant replied that he has no such hefty amount with him. They slashed down the amount to Rs.30 lacs and again from Rs.30 lacs to Rs.20 lacs. One of them in civil cloths fired a shot towards feet of the complainant and threatened him in case, he refuses to pay the said amount of Rs.20 lacs, then he will be killed. The complainant got scared and accepted the demand. Thereafter, he rang at his home for arranging the amount. Ultimately, his wife could have arranged only Rs.11 lacs. An amount of Rs.11 lacs was paid by Ram Niwas at the disclosed place.

Learned counsel for the petitioner submits that even after lodging of FIR on 10.11.2019, the complainant proceeded to investigate the case of his own and ultimately, made a

supplementary statement on 03.12.2019 disclosing the names of the accused persons. Supplementary statement of the complainant has been believed by the police without there being any independent investigation by the police.

In the status report by way of affidavit of Roshan Lal, P.P.S., Deputy Superintendent of Police, Sub Division, Moonak, District Sangrur, the police has taken the stand that on 03.12.2019, the complainant was joined in the investigation and he has disclosed that during his own inquiry, he came to know that the person who came in Scorpio car were Veer Bahadur Singh @ Kala, Parminder Singh, Kala Singh, Dalvir Singh @ Dimpi (petitioner), Harwinder Singh @ Soma and Gurtej Singh. The persons who came in I-20 car were Ram Niwas Pandit and Kuldip Singh @ Deepi. Sikh persons who were wearing police uniforms were Veer Bahadur Singh @ Kala and Parminder Singh. The person who fired on the feet of the complainant was Kala Singh @ Sonu Tiwari.

On the basis of aforesaid disclosures by the complainant, all the accused were nominated on 03.12.2019.

Learned counsel for the petitioner submits that out of total accused, 04 accused are on bail and one petition for grant of anticipatory bail at the instance of Ram Niwas Pandit is still pending before the Court of Sessions.

Learned counsel further submits that after the abduction, the complainant was traumatized to a greater extent and he could not disclose their names despite their talks with each other by names. The complainant did not know whether their names were correct or not. It was only after his own inquiry he found that the gang belongs to Veer Bahadur Singh @ Kala. The complainant gave a pointed reply to the question No.7 of the Investigating Officer that he was under trauma at that time and he could not think and understand. He was afraid and on the next day, his family members made him to understand to lodge FIR and he got FIR registered on 10.11.2019. It took about one month to disclose the names of assailants by the complainant. The complainant did not disclose the names of the assailants at the first instance.

Learned State counsel, however, opposed the bail on the ground that the petitioner is involved in serious offences and recovery of Rs.5000/- has been effected from the petitioner. It would be debatable whether recovery of amount of Rs.5000/- is tainted amount bearing some mark of identification etc.

Petitioner is in custody since 20.08.2020.

Challan stands presented, but charges have not been framed so far.

Owing to the situation arising out of pandemic COVID-19 and without meaning anything on the merits of the case, the petition is allowed. Petitioner is directed to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

09.07.2021
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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| 1. | Whether speaking/reasoned | : | Yes/No |
| 2. | Whether reportable | : | Yes/No |