

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

Date of Decision: 3rd December, 2021

1. CRM-M-14264-2021

... Petitioner

Ajaypal Singh @ Nihang

Versus

State of Punjab

... Respondent

2. CRM-M-41565-2021

... Petitioner

Sawroop Singh @ Rupa

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Prateek Pandit, Advocate and
Mr. J.S. Thakur, Advocate for the petitioners.

Mr. V.G. Jauhar, Sr. DAG, Punjab for the respondent-State.

Mr. Navkiran Singh, Advocate for the complainant.

AVNEESH JHINGAN, J.(Oral)

1. Due to COVID-19 situation, the Court is convened through video conference.

2. These petitions under Section 439 Cr.P.C. are filed for grant of regular bail to the petitioners in FIR No. 417, dated 21st October, 2020, under Sections 323/385/398/347/506 read with 34 IPC, 1860 and Section 25 of Arms Act, 1959 (offences under Section 385/347 were deleted lateron), registered at Police Station Division No.5, District Jalandhar.

3. The brief facts are that the FIR was registered at the instance of Rajat Bhatia. The allegations are that on 20th October, 2020, the

complainant was travelling in a car, he was stopped by the Ajay Pal Singh and Sawroop Singh @ Rupa (mentioned as 'Rupa' in the FIR) petitioners by stopping the motorcycle in front of his car. They forcibly made him sit in car and drove him to a place where Pawan Kumar was standing with his car bearing registration No. PB-05-AG-6058. Pawan Kumar fired 4/5 shots towards the feet of the complainant. Thereafter, Pawan Kumar gave beatings to the complainant with a plastic pipe. Further that Ajay Pal Singh took the pistol from Pawan Kumar and put the same in the mouth of the complainant threatening him to kill and ransom of two lakh was demanded. However, complainant agreed to pay one lakh, on that the car keys and mobile phone of the complainant was returned. Thereafter, WhatsApp messages were received from Ajay Pal Singh for not disclosing the incident to any person.

4. Learned counsel for the petitioners submits that petitioner Ajay Pal Singh is in custody since 16th November, 2020 and Rupa is in custody since 18th February, 2021.

5. It is argued that FIR is result of an earlier incident involving Pawan Kumar and brother of the complainant. He submits that no recovery was made from the petitioners. The pistol was recovered from the Pawan Kumar. The allegations of giving beatings and firing shots are against Pawan Kumar who was granted bail by this Court on 19th July, 2021.

6. No reply has been filed by the State counsel in spite of availing opportunity.

7. Learned State counsel on instructions, is not able to dispute the parity of the petitioners vis-a-vis grant of bail qua Pawan Kumar

8. The investigation is complete, challan stands presented, co-accused was granted bail and conclusion of the trial is likely to take time, petitioners are granted bail subject to their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.
9. The petitions are allowed.
10. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

3rd December, 2021
Parveen Sharma

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