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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.38407 of 2020

Date of Decision: 22.01.2021

SUKHMANPREET SINGH

...Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. A.P.S. Sandhu, Advocate for the petitioner.

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

Mr. Yash Pal Sharma, Advocate for the complainant.

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.47 dated 05.05.2018, registered under Section 364 IPC (Sections 307/148/149 IPC and Section 25/54 of the Arms Act were added later on) at Police Station Ramdas Amritsar Rural.

The FIR was registered at the instance of Harjeet Singh with the allegations that his son Harpal Singh @ Bhalla was unmarried. On 05.05.2018 at about 9.20 P.M., Harpal Singh @ Bhalla along with Babu was going on the motorcycle to Focal Point. The complainant came to know that some unidentified

person had shot his son and kidnapped him by taking him away in a vehicle. With this background the FIR came to be registered.

Petitioner was declared as a proclaimed person in the aforesaid case. Amritpal Singh @ Sandeep Singh was tried for the offences under Sections 364/307/148/149 IPC and Section 25 of the Arms Act. The trial Court vide order dated 10.07.2019 acquitted the main accused Amritpal Singh @ Sandeep Singh on the ground that the prosecution had failed to bring home the guilt of the accused to the hilt. Material witnesses did not support the prosecution case. Petitioner and co-accused Jagroop Singh surrendered before the trial Court on 16.09.2020 and since then they are in custody. One of the accused namely Joga Singh did not surrender before the trial Court along with the petitioner as he was involved in some other case also. Now he has been arrested on 12.01.2021 and is in custody in the present case.

Learned counsel for the petitioner submitted that the parties have entered into an amicable settlement and on the basis of that petition bearing CRM-M No.8711 of 2020 is pending consideration before this Court.

The factual position of the case has not been disputed by learned State counsel on instructions from the Investigating Officer, however submitted that the accused are involved in the

act of kidnapping of Harpal. Even though the main accused Amritpal Singh @ Sandeep Singh has been acquitted for the offences under Sections 364/307/148/149 IPC and Section 25 of the Arms Act, the fact remains that he was acquitted on the basis of witnesses turning hostile.

Now there is a compromise dated 05.02.2019 entered between the parties in which the parties have decided to live in peace. No fruitful purpose would be served by keeping the petitioner in custody as in all probabilities and likelihood, the chances of the complainant supporting the prosecution case are very bleak.

Keeping in view the aforesaid facts and circumstances, it would be just and appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

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

(RAJ MOHAN SINGH)
JUDGE

January 22, 2021

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No