

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

104+217

**CRM-M-1780-2022 (O&M)
Decided on : 03.02.2022**

Satwinder Singh @ Satwinder Singh Mahal @ Sonu

. . . Petitioner

Versus

State of Punjab

. . . Respondent

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL
(Through Video Conferencing)**

PRESENT: Mr. Rakesh Gupta, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

VIKAS BAHL, J. (Oral)

CRM-2976-2022

The present application has been filed under Section 482 Cr.P.C. for placing on record the disclosure statement of co-accused Jagjit Singh @ Raja as Annexure P-4.

For the reasons mentioned in the application, same is allowed, subject to all just exceptions and Annexure P-4 is taken on record.

Main Case

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No. 225 dated 20.09.2021 registered under Section 364-A of the Indian Penal Code, 1860 (Sections 120-B of IPC and Section 25 of the Arms Act, 1959 have been added later on) at Police Station Model Town, District Hoshiarpur.

Learned counsel for the petitioner has submitted that as per the FIR, 3-4 unknown persons had kidnapped the son of the complainant and had demanded ransom of Rs.50,00,000/- for his release. It is submitted that from the application dated 24.09.2021, vide which the police had sought remand of one Amrik Singh, it is apparent that the police party had prepared a dummy bag of currency notes and had gone alongwith the complainant to give the said money to the persons who were behind the kidnapping and at the said time, it was Varinderpal Singh @ Vicky and one Gurdial Singh, who had allegedly come to take the money/ransom and the police had apprehended Varinderpal Singh @ Vicky at the said time on the spot and from whom, one pistol of 32 bore alongwith three live cartridges of 32 bore were recovered. It is further argued that the said Varinderpal Singh @ Vicky was arrested on 20.09.2021 and was presented in the Court on 21.09.2021 and during the course of investigation, the kidnapped boy namely Rajan, was released by the accused persons and was handed over to the complainant's family and thereafter, on the basis of confessional statement made by Varinderpal Singh @ Vicky, Jagjit

Singh @ Raja was also nominated as an accused and was arrested on 23.09.2021. It is on the basis of disclosure statement of said Jagjit Singh @ Raja that the petitioner had been implicated in the case and was arrested on 01.10.2021. It has further been submitted that even as per the disclosure statement of said Jagjit Singh @ Raja, there is no overt act which has been attributed to the present petitioner. From the said statement, it is argued that even the presence of the present petitioner at the spot is not proved and the only allegation against the present petitioner even as per the said confessional statement of Jagjit Singh@ Raja is that the co-accused had decided to keep Rajan at the motor of the petitioner. It has further been argued that from a perusal of the said statement, it cannot be inferred that the present petitioner had agreed to keep the said Rajan at the said place and it is submitted that in fact, the petitioner does not even own any land and does not have any place where the said motor is there. It has also been submitted that no recovery has been effected from the petitioner and the petitioner was neither one of the four persons who had gone to kidnap the complainant's son nor was the person who had gone to collect the ransom amount of Rs. 50 lacs. It is further argued that the kidnapped boy namely Rajan has been safely returned to his home and no ransom was paid.

It has further been stated that co-accused of the petitioner i.e. Amrik Singh has already been granted the concession of regular bail vide order dated 21.12.2021 passed in CRM-M-52692-2021 and the

case of the present petitioner is on a better footing than that of Amrik Singh. It has also been submitted that the petitioner is not involved in any other case.

Notice of motion.

On advance notice, Mr. Sukhbeer Singh, AAG, Punjab, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition for grant of regular bail to the petitioner and has submitted that name of the petitioner had been mentioned by Jagjit Singh @ Raja in his disclosure statement and thus, it is apparent that the petitioner is also involved in the crime and does not deserve the concession of regular bail.

This Court has heard the learned counsel for the parties and has perused the paperbook.

It is not in dispute that the petitioner has not been named in the FIR and even as per the application dated 24.09.2021 which had been filed by the police for getting the police remand of Amrik Singh, and of the two other co-accused, it had been stated that a dummy bag of currency notes had been prepared by the police so as to arrest the persons who were demanding a ransom of Rs.50,00,000/- for the release of the complainant's son namely Rajan and to take the said money, two persons Varinderpal Singh @ Vicky and Gurdial Singh had come to the spot on 20.09.2021 and the said Varinderpal Singh @ Vicky was arrested. It is, thus, apparent that it is not the present petitioner who had

come to collect ransom/money for the release of the complainant's son. It is from the said Varinderpal Singh @ Vicky that recovery of one pistol of 32 bore alongwith three live cartridges was effected. It is during the investigation of the said Varinderpal Singh @ Vicky, the said kidnapped boy namely Rajan was released and was handed over to his family and on the basis of confessional statement of Varinderpal Singh @ Vicky, the said Jagjit Singh @ Raja was arrested. It is on the basis of the disclosure statement of said Jagjit Singh @ Raja, the present petitioner was arrested on 01.10.2021 and thus, the petitioner has been implicated solely on the disclosure statement of Jagjit Singh @ Raja and no recovery has been affected from the petitioner. Even as per the disclosure statement of Jagjit Singh @ Raja, no overt act has been attributed to the petitioner and even the presence of the present petitioner at the time and place of the alleged occurrence of crime has not been established. The only allegation that has been levelled with respect to the petitioner even as per the said confessional statement of Jagjit Singh @ Raja is to the effect that the co-accused persons had decided to take the kidnapped person, Rajan to the motor of their friend i.e. petitioner. Even the fact that the petitioner had consented to said Rajan to be taken to his motor, is not evident from the said confessional statement of Jagjit Singh @ Raja. The petitioner was not one of the four persons who are stated to have kidnapped the complainant's son and the petitioner has been in custody since 01.10.2021 and there are as many as 18 witnesses out of which, none have been examined as yet

and thus, the conclusion of the trial is likely to take time, moreso in view of the COVID-19 pandemic.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to his not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

It is made clear, in case, the petitioner threatens or influences any witness, it would be open to the State to move an application for cancellation of the present regular bail granted to the petitioner.

(VIKAS BAHL)
JUDGE

February 3rd, 2022
Mehak

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