

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

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CRM-M-2198-2022 (O&M)

Date of Decision: 24.05.2022

RACCHPAL SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. TS Attariwala, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

Mr. Arun Takhi, Advocate
for the complainant.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.215 dated 01.12.2020 (Annexure P-1), under Sections 364-A, 369, 342, 506, 381, 473, 171, 120-B IPC and Section 25 of the Arms Act (added later on), registered at Police Station City Dugri, District Ludhiana, Punjab.

Learned counsel for the petitioner submits that the petitioner has no role to play in the alleged occurrence; that the petitioner was not named in the FIR; that Harjinder Pal Singh, driver of the complainant was named in the FIR; that neither the complainant nor the eye witness(es) has named the petitioner; that the allegations are primarily against Harjinder Pal Singh, that he had kidnapped son of the complainant aged about 2½ years and demanded a ransom of Rs.4 Crore

and that the eye-witness has named two persons, namely, Sukhdeep Singh @ Sukha and Lal Singh (brother of the petitioner). He further submits that the petitioner has been in custody since 02.12.2020 and that the petitioner has been indicted in the present case only on the basis of a telephone conversation between him and Lal Singh. Still further, it is submitted that even if it is assumed to be true that the petitioner had a conversation with Lal Singh, the same cannot be said to be with regard to the commission of the offence.

Learned counsel for the petitioner further submits that the child was recovered within 24 hours of the alleged occurrence.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel assisted by the learned counsel for the complainant does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence and that there are specific call details between the petitioner and Lal Singh. He further submits that all the prosecution witnesses, except the complainant, are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 02.12.2020. The complainant has already been examined and most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, 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 learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

24.05.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No