

CRM-M-2383-2022 (O&M) AND
CRM-M-5278-2022

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-2383-2022 (O&M)
Decided on :06.04.2022

Harpreet Singh @ Happy

... Petitioner

Versus

State of Punjab

... Respondent

AND

CRM-M-5278-2022

Jagjit Singh @ Jagjeet Singh @ Raja

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Jasraj Singh, Advocate
for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (Oral)

CRM-12871-2022 IN
CRM-M-2383-2022

Application is allowed, as prayed for.

Annexure P-6 is taken on record subject to all just exceptions.

Main Cases

By virtue of this common order, this Court proposes to
dispose of two petitions bearing No. CRM-M-2383-2022 titled as
Harpreet Singh @ Happy Vs. State of Punjab and CRM-M-5278-2022

titled as Jagjit Singh @ Jagjeet Singh @ Raja Vs. State of Punjab as the same are arising out of the same FIR.

The present petitions have been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case FIR No. 225 dated 20.09.2021 under Section 364-A of the Indian Penal Code, 1860 (Section 120-B IPC and Section 25 of the Arms Act added subsequently) registered at Police Station Model Town, District Hoshiarpur.

Learned counsel for the petitioners and learned State counsel have submitted that the case of Harpreet Singh @ Happy bearing No. CRM-M-2383-2022 be taken as the lead case and thus, the facts have been taken from the said case.

Learned counsel for the petitioners in both the cases has submitted that in the present cases, the FIR was registered against unknown persons as the complainant had received a phone call demanding a ransom of Rs.50,00,000/- for release of Rajan, son of the complainant, who had been allegedly kidnapped. It is further submitted that the police had laid a dummy trap and had taken along fake currency notes, posing from the same to be the demanded ransom of Rs.50,00,000/- in order to catch the kidnappers. In pursuance of the same, two co-accused Varinder Pal Singh @ Vicky and Gurdial Singh had come to take the said ransom and Varinder Pal Singh @ Vicky was arrested at the spot whereas Gurdial Singh managed to escape. It is

argued that the petitioners were neither the persons who had gone to take the ransom, nor the persons who had kidnapped the said Rajan. The petitioners have been implicated solely on the basis of the disclosure statements. The petitioner Jagjit Singh @ Jagjeet Singh @ Raja has been implicated on the basis of the disclosure statement of Varinder Pal Singh @ Vicky whereas the petitioner Harpreet Singh @ Happy has been implicated on the basis of the disclosure statement of Jagjit Singh @ Jagjeet Singh @ Raja. It is further argued that no other incriminating material against the petitioners other than the said disclosure statements. It is contended that even as per the said disclosure statements, the petitioners had neither kidnapped Rajan, nor had gone to collect the ransom and the only allegation against them was of conspiring and helping in the said kidnapping. It is further contended that the said disclosure statements, without any independent corroboration, would be inadmissible. It is submitted that the petitioners have been in custody since 21.10.2021 (Harpreet Singh @ Happy) and 23.09.2021 (Jagjit Singh @ Jagjeet Singh @ Raja) and the challan in the present case has already been presented and there are as many as 19 witnesses, none of whom have been examined and thus, the trial is likely to take time to conclude.

Learned State counsel has opposed the present application for regular bail and has submitted that the petitioners were also part of the conspiracy, in the pursuance of which the son of the complainant-Rajan was kidnapped. It is further submitted that the petitioner Jagjit Singh @ Jagjeet Singh @ Raja is also involved in one more case.

Learned counsel for the petitioners, in rebuttal, has submitted that the petitioner Harpreet Singh @ Happy is not involved in any other case and the petitioner Jagjit Singh @ Jagjeet Singh @ Raja is involved in one more case which is under the Excise Act. It is further submitted that Rajan, son of the complainant has returned to his home and is now safe.

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

The FIR in the present case was registered against unknown persons. The complainant had received a call demanding ransom of Rs.50,00,000/- for the release of Rajan, son of the complainant, in pursuance of which the police had set up a dummy trap and had taken fake currency notes to catch the kidnappers. It was the co-accused Varinder Pal Singh @ Vicky and Gurdial Singh who had come to take the said ransom money and Varinder Pal Singh @ Vicky was arrested at the spot, whereas Gurdial Singh managed to escape. The petitioners have been implicated solely on the basis of the disclosure statement, without there being any other incriminating material to implicate them. The petitioner Jagjit Singh @ Jagjeet Singh @ Raja has been implicated solely on the basis of disclosure statement of Varinder Pal Singh @ Vicky and Harpreet Singh @ Happy has been implicated on the basis of disclosure statement of Jagjit Singh @ Jagjeet Singh @ Raja. Even as per the said disclosure statements, it was not the petitioners who had kidnapped the said Rajan, or had gone to take the ransom money but were only stated to be a part of the conspiracy. The petitioners have been

in custody since 21.10.2021 (Harpreet Singh @ Happy) and 23.09.2021 (Jagjit Singh @ Jagjeet Singh @ Raja) and there are as many as 19 witnesses, none of whom have been examined and thus, the trial is likely to take time to conclude. The question as to whether solely on the basis of the disclosure statement of the co-accused, the petitioners could be convicted or not, would be a matter of trial. The petitioner Harpreet Singh @ Happy is stated to be not involved in any other case whereas the petitioner Jagjit Singh @ Jagjeet Singh @ Raja is stated to be involved in one more case under the Excise Act.

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

It is however made clear that in case the petitioners attempt to influence any witness, then it would be open to the State to move an application for cancellation of bail of the petitioners.

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 petitions.

April 6th, 2022
Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No