

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

231

CRM-M-4601-2022 (O&M)

Date of Decision: 25.05.2022

Baldev Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Veeraj Sharma, Advocate, for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by HC Vinod Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.0009 dated 10.01.2021 at Police Station Canal Colony Bathinda, District Bathinda, under Sections 384/386/388/395/397/506 IPC and Section 25 of the Arms Act.
2. The FIR was lodged at the instance of one Sukhwinder Singh, wherein it is alleged that he was acquainted with Mandeep Kaur for last 3 years. Mandeep Kaur borrowed a sum of Rs.15,00,000/- and executed a pronote in his favour. Whenever complainant asked Mandeep Kaur about returning of money, she used to make one pretext or the other. On 05.01.2021, Mandeep Kaur telephonically called the complainant and asked him to come to house of one Jaswinder Kaur. She promised that she would return the money to complainant. When complainant went to house of Jaswinder Kaur, besides Jaswinder Kaur and Mandeep Kaur, he

- found 2 more ladies namely Sarabjit Kaur alias Sarbi and Pammi present there. Jaswinder Kaur, Mandeep Kaur and Pammi went out of the room. Thereafter, 4 persons namely, Baldev Singh, Sandeep Singh and 2 unknown persons came there. Baldev Singh (petitioner) was armed with a pistol. He pointed his pistol against head of complainant. Under threat, they prepared a video of complainant in an objectionable condition with Sarbjit Kaur. Thereafter, Jaswinder Kaur, Mandeep Kaur and Pammi entered the room. They threatened the complainant that they will get a false case of committing rape registered against him and also make the video go viral. They demanded Rs.20,00,000/- from complainant. The complainant agreed to pay Rs.8,00,000/-. Jaswinder Kaur took out Rs.10,000/- from pocket of complainant. Complainant also withdrew Rs.5,00,000/- from Axis Bank and gave it to Mandeep Kaur. He also handed over Rs.3,00,000/- to Mandeep Kaur after borrowing the same from one Baljinder Singh.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case, as would be evident from the fact that no pistol was ever recovered from the petitioner. It has further been submitted that in any case since 4 other co-accused have already been granted bail, the petitioner also deserves the same concession on grounds of parity particularly when he has a clean record and no other FIR has been registered against him.
 4. Opposing the petition, learned State counsel has submitted that the petitioner had played a pivotal role in the entire extortion inasmuch as he is the only one, who was carrying and brandishing a pistol so as to put the

complainant under fear. Learned State counsel has further submitted that the petitioner cannot claim any parity on the ground that 4 other co-accused having been granted bail since all the co-accused, who have been granted bail, are ladies and who would be on different footing keeping in view the exception made under Section 439 Cr.P.C. itself. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 6 months & 14 days and that he is not involved in any other case. It has also been informed that charges are yet to be framed and as many as 16 PWs have been cited.

- 5. I have considered rival submissions addressed before this Court.
- 6. It is correct that there are specific allegations leveled against the petitioner. It is specifically alleged that he was carrying a pistol at the time of occurrence. However, this Court cannot lose sight of the fact that the petitioner has been behind bars for a substantial period of more than 6 months and otherwise has a clean record. Conclusion of trial is likely to consume time inasmuch as trial has not even commenced till date and as many as 16 PWs have been cited.
- 7. In view of the aforesaid discussion, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.05.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

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