

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

**CRM-M-18299-2022
Date of decision: 09.05.2022**

Gagandeep Singh @ Goggu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Santokhwinder Singh Grewal, Advocate
for the petitioner.

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

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.82 dated 22.05.2021 under Section 364-A, 384, 419, 120-B of the IPC, registered at Police Station City Sangrur, District Sangrur.

Learned counsel for the petitioner, at the very outset, relies upon order dated 05.05.2022 passed in CRM-M-28029-2021 and two other connected cases, vide which co-accused Satwinder Kaur @ Jyoti, Vaneet Kumar @ Vicky and Karanvir Singh @ Karan have already been granted the concession of regular bail by this Court. The operative part of the order reads as under:

“Learned counsel for the petitioners submit that as per allegations in the FIR, registered at the instance of one Kapil Kumar Arora, he and his father are running a shop and on the date of incident, he received a phone call on his mobile No.99141-99636 from mobile No.98774-10307. The caller disclosed his identity as Kulwinder Singh from CIA Staff and demanded Rs.5.00 lacs from

him, on the pretext that he has pornographic video of his father with a girl and if he failed to make the payment, same will be made viral. On inquiry, he found that the person calling from the aforesaid mobile number was neither a police official nor was posted in CIA Staff. Again he received the phone call that he should reach with money near a college, where co-accused Kuldeep Singh Ghoda will meet him. When he went there, aforesaid co-accused Kuldeep Singh Ghoda met him and asked him to sit on the motorcycle and he took him to near a factory, where in an Alto car, his father was sitting and one person in police uniform was sitting on driver seat. A lady was sitting in the car on conductor seat and one more person was also sitting next to his father. He made arrangement of Rs.1.00 lac and gave to co-accused Kuldeep Singh Ghoda, but they demanded Rs.5.00 lacs and also gave threat to the life. Thereafter, his father was freed and he came back.

Learned counsel further submits that primary allegations are against two persons i.e. Kulwinder Singh, who allegedly made phone call to the complainant and Kuldeep Singh Ghoda, to whom, the complainant gave Rs.1.00 lac. It is also submitted that the petitioners were not named in the FIR, however, later on, during the investigation, on the basis of disclosure statement of co-accused Kuldeep Singh Ghoda, names of the petitioners surfaced, as the accomplices. It is next submitted that the petitioners are in custody for the last 11 months and 13 days and are not involved in any other case; challan stands presented and it will take some time in conclusion of the trial.

Learned counsel has further submitted that there is no direct evidence against the petitioners collected during the investigation that they had actively

participated in the commission of offence, as recovery of a motorcycle and Rs.1.00 lac was effected from co-accused Kuldeep Singh Ghoda.

Separate replies by way of affidavits of Deputy Superintendent of Police, Sub Division Sangrur are on record, in which, after verifying the facts of the case, it is stated no other FIR is pending against the petitioners and role of petitioner Karanvir Singh @ Karan is that when Satwinder Kaur @ Pinki was arrested, it came that she was working on the shop of petitioner Vaneet Kumar @ Vicky and all the accused have taken photographs of father of the complainant, namely Surinder Kumar with her in the mobile phone. It is further stated that as per statement of victim Surinder Kumar, all the accused are nominated in the present FIR and it is petitioner Satwinder Kaur @ Pinki, who came to his shop and started taking photographs with him and thereafter, the accused took away her along with them.

Learned State counsel has filed the custody certificates in the Court today, according to which, all the petitioners are in custody for the last 11 months and 13 days and are not involved in any other case.”

For the sake of brevity, the facts are not reproduced again.

Learned counsel for the petitioner further submits that even as per FIR, the petitioner was not one of the three persons, who have allegedly tried to blackmail the complainant or his father.

Learned counsel further submits that the petitioner is in judicial custody for the last 11 months and 16 days and he is not involved in any other case.

Learned State counsel has filed the custody certificate and has not disputed the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last more than 11 months; he is not involved in any other case and also in view of the fact that three of the co-accused have already been granted the concession of regular bail by this Court as noticed above, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

09.05.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No