

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

216 & 292

**Date of decision: 27.07.2022
CRM-M-22359-2022**

GAJINDERJIT SINGH @ RAJVIR SINGH **...Petitioner**

Versus

STATE OF PUNJAB **...Respondent**

(2) **CRM-M-31176-2022**

CHARANJIT SINGH ALIAS CHANN **...Petitioner**

Versus

STATE OF PUNJAB **.....Respondent**

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. J.S. Gill, Advocate
for the petitioner
(in CRM-M-22359-2022).

Mr. Deepak Aggarwal, Advocate for
Mr. Veneet Sharma, Advocate
for the petitioner
(in CRM-M-31176-2022).

Mr. Karanbir Singh, AAG, Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

1. This common order disposes of two bail petitions filed by accused Gajinderjit Singh @ Rajvir Singh bearing No. CRM-M-22359-2022 and Charanjit Singh @ Chann bearing No. CRM-M-31176-2022 seeking concession of Regular Bail in case bearing FIR No. 230 dated 28.12.2021 registered under Sections 384, 387, 506, 34, 120-B and 201

of the Indian Penal Code, 1860 (hereinafter referred to as “IPC”) and Section 25 of the Arms Act at Police Station Majitha Road Amritsar, District Amritsar.

2. At the very outset, learned counsel representing the petitioner has pointed out that Section 201 of the IPC has been inadvertently omitted in the head note as well as in the prayer clause of the petition bearing CRM-M-31176-2022 titled as “*Charanjit Singh @ Chann versus State of Punjab*” and the same be permitted to be added in the order, on an oral request.

3. The prayer is accepted.

4. Such section already finds mentioned in the head note and prayer clause of the petition filed by co-accused Gajinderjit Singh @ Rajvir Singh. Section 201 IPC may be deemed to be incorporated in the head note and prayer clause of the CRM-M-31176-2022 titled as “*Charanjit Singh @ Chann versus State of Punjab*”.

5. A perusal of the investigation record reveals that the present FIR was registered against unknown person on the statement of Rajiv Kumar Sabharwal on the allegations that his son Rohit Sabharwal had gone to Panchkula on 18.12.2021 to meet his relative, where he received threatening call from mobile No. 72620-47467 of some unknown persons on his mobile No.9915604858. The unknown person hold his son Rohit Sabharwal that he has purchased vehicles worth Rs.2.00 Crore and demanded ransom of hefty amount. On this, his son lodged complaint on 20.12.2021 with Panchkula police. That unknown person thereafter started demanding ransom from his son. Thereafter,

his son came to the complainant at Amritsar. Then on 28.12.2021 again at 3.00 P.M. he received telephone call of that unknown person who asked him to get ready with the money and also to wait for his phone call and he will tell him the place where the money is to be delivered by him. All the phone calls were received from said mobile phone number 72620-47467.

6. On the basis of the aforesaid statement, present case was registered and investigation ensued. During investigation, petitioners-accused Charanjit Singh alias Chann and Gajinderjit Singh alias Rajvir were apprehended alongwith Car Eco Sport No.PB02-DX-9551 on 29.12.2021. From the possession of Charanjit Singh alias Chann mobile make MI that had the sim 97791-38716 and one country made pistol alongwith its 3 live cartridges of .32 bore were recovered. From Gajinderjit Singh alias Ravir Singh one knife was recovered from the dash board of the Car and RC in the name of Gajinderjit Singh was recovered.

7. On 30.12.2021, complainant got recorded a supplementary statement that after he got recorded his statement before the police on 28.12.2021, he also received telephone call from unknown person from mobile phone no.72620 47467 on his mobile phone No. 9915604858 on 29.12.2021 and ransom money was repeatedly being demanded from him. Now a ransom of Rs.1 Crore is being demanded. On 02.01.2022 petitioner-accused Charanjit Singh alias Chann got recorded his disclosure statement that co-accused Maninderpal Singh Randhawa gave information regarding mobile number of Rohit Sabharwal as well

as about his kothi and thereafter, he made recce. Maninderpal Singh alias Randhawa was giving said information to him on his mobile phone no.78140-21292 and 95926 46078 and on the basis of which Maninderpal Singh Randhawa was arrested on 02.01.2022.

8. Learned counsel appearing on behalf of the petitioners contend that the petitioners were arrested on 29.12.2021 and they have been in custody since then and have undergone an actual custody of almost 07 months. They further submit that perusal of the allegations leveled in the FIR and the investigation conducted by the Investigating Agency would show that a demand for ransom to the tune of Rs. 1 crore is stated to have been raised, however, such ransom money has not been delivered and as a result thereof, offence under Section 384 IPC would not be made out for want of necessary ingredients as prescribed under Section 383 IPC. They further contend that the complainant got recorded his supplementary statement on 30.12.2021 as well wherein he stated that he had received a ransom call from the said number even after the petitioners were already in custody and as such, the participation of the petitioners in making a call raising a demand for ransom is highly doubtful. Besides, recovery of the mobile phone/sim, in the absence of any evidence to connect that either the mobile phone of the petitioner was used against the mobile No. 72620-47467 from which the ransom call has been allegedly made or the said number being used by the petitioners, there is no basis to draw an inference that the petitioner Charanjit Singh @ Chann had in fact made any ransom call. They further contend that the case against Charanjit Singh @

Chann would thus at best attract provisions of the Arms Act.

9. In so far as the recovery from the petitioner Gajinderjit Singh @ Rajvir is concerned, the same is only in reference to knife recovered from the dash board of the Car which was under the ownership of the petitioner. The same would not link the petitioner with commission of offence under Section 384/387 of the IPC. They further contend that co-accused Maninderpal Singh Randhawa who is alleged to have made available the mobile number of the complainant has already been granted the concession of regular bail vide order dated 13.07.2022 passed in CRM-M-6760-2022.

10. Learned counsel appearing on behalf of the respondent-State, however, controverts the submission advanced by the counsels for the petitioners and argues that the petitioners were involved in making the phone call to the complainant and demanding the ransom amount and that recovery of weapon has been effected from the possession of the respective petitioners. He, however, could not refer to any evidence to show that the ransom call was made from the mobile number/mobile instrument used by either of the petitioners. It is also not controverted that a ransom call was also received by the complainant on 30.12.2021, when the petitioners were already in police custody. It is also not denied that investigation has already been concluded and a final report has been filed. The prosecution has relied upon 19 witnesses and that the charge in the case is yet to be framed.

11. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their

assistance.

12. Without examining the merits of the instant case and taking into consideration the circumstances and the submissions noticed above, the period of custody already undergone; the discrepancy pointed out with respect to the link evidence to connect the petitioners with the ransom call and debatable issues pertaining to ingredients attracting Section 384/387 of the IPC as well as the concession having been extended to co-accused, I deem it appropriate to enlarge the petitioners on bail to the satisfaction of the trial Court.

13. The instant petitions are allowed and the petitioners are ordered to be released on bail on their furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

14. It is made clear that the petitioners shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

15. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The petitions are allowed.

(VINOD S. BHARDWAJ)
JUDGE

JULY 27, 2022
vishal sharma

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