

In the High Court of Punjab and Haryana at Chandigarh

(105)

CRM-M No. 24755 of 2022

Date of Decision: 01.6.2022

Kamaljit Singh @ Babban and others

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Amandeep Singh, Advocate for the petitioners.

Mr. M.S.Nagra, AAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C., seeking the indulgence of anticipatory bail to the petitioners.
2. In FIR bearing No. 77 of 5.4.2022, registered at Police Station Sarabha Nagar, District Ludhiana, offences constituted under Sections 364, 120-B IPC, and, under Section 25 of the Arms Act, 1959, are embodied.
3. The abductee one Chandan, makes allegations against the accused, that on 4.4.2022, at about 9.30 P.M., when he arrived at SBI ATM, Barewal Road, then a white colour Brezza vehicle came, and, stopped ahead of him. He braked the motorcycle, whereons he was astride as its driver, and, further alleges, that one Rohit Malhotra @ Ishu son of Ashwani Malhotra, resident of Haibowal Kalan, Ludhiana, and, Pradeep Bihari, who were known to him, alighted from the said vehicle. They asked him to sit in their vehicle, as they stated to him, that they were being directed by the principal accused one Sukha, to take him onto their vehicle. In the meantime, a vehicle bearing No. PB-11-U-8081, came, and, stopped at the relevant site, and, it was occupied by Vikramjit Singh @ Vicky, Kamaljit

Singh @ Baban, and, Sunny, besides it was occupied by the principal accused Sukha. The principal accused Sukha is alleged to be wielding pistols, and, he is alleged to place the pistols at him, and, demand a sum of Rs. 50,000/-, from the complainant, rather as extortion money. However, the above attempt to extort money, as made by Sukha, was averted by the complainant through his entering into an adjoining shop of his aunt, and, moving upto the roof thereof.

4. From the above averments, as carried in the FIR (supra), it appears, that the vehicle in which the principal accused Sukha was aboard, was different from the vehicle occupied by Rohit Malhotra @ Ishu, and, Pardeep Bihari, and, whereons the victim alighted, and, both above are stated in the FIR, to be well known to the victim. Moreover, given the above boarding into by the accused of a vehicle, other than the one occupied by the principal accused Sukha, and, also when rather Sukha, who was an occupant of a vehicle other than the above, hence was wielding pistols, and, who alone through users thereof, attempted to extort money from the victim. Since the above role is not imputed to the accused co-occupants with the accused of the vehicle he alighted into. Therefore, the gravity of the offence, as alleged against the petitioner, is somewhat lesser, and/or, is not as heinous, as is attributed to the principal accused Sukha.

5. The learned State counsel submits, on instructions given to him by ASI Paramjeet Singh, that the car, which was entered into by the victim, and, which was at the relevant time occupied by the above, has been impounded by the investigating officer concerned, and, also when he further states that the apart from the above recovery, no other recoveries are to be

effected, at the instance of the present petitioners, to the investigating officer concerned.

6. Given the above, and, also when no evidence is adduced before this Court by the prosecution, suggestive of the fact, that in the event of the petitioners, becoming admitted to anticipatory bail, there is every likelihood of theirs fleeing from justice, and, tampering with the prosecution evidence. Therefore, this Court does not deem it fit, and, appropriate to order for the custodial interrogation of the petitioners, as it would unnecessarily fetter, and, curtail their personal liberty.

7. In consequence, the instant petition is allowed. The bail applicants-petitioners are admitted to anticipatory bail, and, in the event of their arrest, they may not be arrested by the investigating officer concerned. However, subject to the bail applicants-petitioners furnishing personal, and, surety bonds in the sum of Rs. 50,000/- each, to the satisfaction of the arresting officer. Furthermore, the bail applicants-petitioners shall also give an undertaking before the arresting officer, that as and when they are summoned through a written Hukamnama, they shall ensure theirs rendering theirs cooperation to the investigating officer.

8. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from the FIR (supra).

(SURESHWAR THAKUR)
JUDGE

June 01, 2022
Gurpreet

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