

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**Date of decision: 10.10.2022****(1) CRM-M-33109-2022 (O & M)**

Rajiv Sharma Petitioner

V/s

State of Punjab ...Respondent

(2) CRM-M-38858-2022 (O & M)

Ramandeep Sharma @ Ramanjit Sharma Petitioner

V/s

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. P.S. Dhaliwal, Advocate,
Mr. Kuldeep Singh Siwach, Advocate, (CRM-M-33109-2022),
Mr. Varun Goyal, Advocate (in CRM-M-38858-3033),
for the petitioner.

Mr. Jiteshwar Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

This order shall dispose of two petitions i.e. CRM-M-33109-2022 and CRM-M-38858-2022 as these petitions pertain to the same FIR.

The prayer in the present petitions under Section 439 Cr.P.C. is for the grant of regular bail to the petitioners in case FIR No.67 dated

323 and 328 IPC (added later on) registered at Police Station Satnampura, District Kapurthala.

2. The present FIR came to be registered at the instance of Radhika Prasad Tripathi, who stated that he was the age of 72 years and worked as Palmist. On 13.06.2022, Amandeep Kaur, wife of Baldev Singh and Ramandeep Sharma wife of Vipin Sharma came to meet him and stated that they had to perform a religious function at home in order to remove a bad omen from their house. On this pretext, he was brought to their home where they also called Chander Bhan son of Jiwan Lal. They forcibly removed his clothes and both the ladies also removed their clothes and Chander Bhan made his video alongwith the two ladies. He was also given beatings and two gold rings worn by him alongwith two silver rings were taken away. A watch was also taken away by them and a demand of Rs. 30 lacs as ransom was sought. Thereafter, he was dropped at Aahadiyabad Chowk. These three persons were repeatedly calling Rajiv Sharma on phone and were acting on his dictates. Thereafter, he had also gone to the house of Ramandeep Sharma alongwith Rs.50,000/- where the three persons asked him to bring the remaining money. Pursuant to which, he lodged the instant complaint.

3. The learned counsel for the petitioner-Rajiv Sharma contends that the petitioner was neither present at the spot nor demanded anything from the complainant. The only allegation is that whatever had been done by the aforesaid three named persons, had been done at the instance of the petitioner. He contends that, in fact, Chander Bhan, the accused in the present occurrence was the driver of the petitioner, who had called him to

the police station and requested to help him and on his asking the petitioner had gone to the police station where he was implicated in the present case. He contends that the petitioner is in custody since 16.06.2022. The challan already stands submitted and none of the 11 prosecution witnesses have been examined so far. Even otherwise, the petitioner is a first-time offender and as such, deserves the concession of regular bail.

4. The learned counsel for the petitioner-Ramandeep Sharma @ Ramanjit Sharma contends that the allegation in the FIR are completely baseless. No recovery of a nude video was effected from any of the accused. The petitioner is in custody since 16.06.2022 and is a first-time offender. Therefore, her further incarceration is not required, moreso, when the investigation is complete and a number of prosecution witnesses have to be examined.

5. The learned counsel for the State, on the other hand, contends that the petitioners do not deserve the concession of bail looking at the seriousness of the allegation. He, however, does not deny the period of custody undergone by the petitioners as also the stage of the Trial.

6. I have heard the learned counsel for the parties at length.

7. Admittedly, the petitioners are in custody since 16.06.2022. The challan was submitted on 08.08.2022 and none of the 11 prosecution witnesses have been examined so far. Besides, the petitioners are first-time offenders and no other FIR stands registered against them. Therefore, their further incarceration is not required.

8. Thus, without commenting upon the merits of the case, the present petitions i.e. CRM-M-33109-2022 and CRM-M-38858-2022 are allowed and the petitioners, namely, Rajiv Sharma son of Jay Kant Sharma

and Ramandeep Sharma @ Ramanjit Sharma wife of Vipin Sharma, are ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)
JUDGE

October 10, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No