

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-42022-2022

Date of Decision: 6.12.2022

Rajwinder Singh alias Raju

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Jasvir Singh Dhaliwal, Advocate
for the petitioner.

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

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.98 dated 25.6.2022 registered for the offences punishable under Sections 365 IPC (Sections 387, 506, 336, 120-B IPC and Sections 25, 27 of Arms Act added later on) at Police Station Gidderbaha, District Sri Muktsar Sahib.

Counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case at the instance of the complainant and that his name surfaced for the first time on the basis of the statement of the father of the complainant made before the police and that similarly situated co-accused Suraj alias Suraj Dhamija alias Manga has been granted interim protection by this Court vide order dated 3.8.2022 (Annexure P-2). He further submits that the petitioner is behind the bars for the last more than 5 months and the police has completed the investigation and no

incriminating article was recovered from the possession of the petitioner who is presently in judicial custody. So, prayer is made that the petitioner be released on regular bail.

Present petition is opposed by the State counsel who on instructions from ASI Baj Singh submits that one pistol and live cartridges were recovered from the possession of the petitioner. However, he has not refuted the fact that the name of the petitioner was not there in the FIR and his name surfaced in the statement recorded by the father of the complainant and that the petitioner is in custody for the last more than 5 months and after completion of investigation, the challan has been presented by the police and that similarly situated co-accused Suraj has been granted concession of interim bail by this Court vide order Annexure P-2.

I have considered the submissions made by the counsel for the parties.

FIR in the present case was registered against co-accused Rummy on the basis of the statement of complainant Varun Garg who alleged that on 24.6.2022, he returned to Gidderbaha and at about 10:30 p.m., he received phone call from aforesaid Rummy who wanted to meet him and again Rummy made phone call to the complainant that he was standing outside his house and asked him to come out and when the complainant went outside his house, Rummy took the complainant along with him in Verna car and then demanded ₹ 10 lakhs or otherwise, to kill him and when the complainant showed his inability to pay such a huge amount, he demanded an amount of ₹ 4 lakhs from him and while moving in the car, said Rummy fired 3 shots in air and raised demand of the aforesaid amount and in the meantime, the complainant succeeded in getting

down from the said car and escaped from the spot.

Admittedly, the petitioner is in custody since 1.7.2022. The police has presented the challan but charges are yet to be framed and it will take time for the trial to complete even after its commencement. Further, similarly situated co-accused Suraj who was not named in the FIR, has been granted interim bail by this Court vide order Annexure P-2.

In light of above, this Court is of the view that no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

December 6, 2022

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No