

CRM-M-4924-2023

Date of Decision: 17.07.2023

Ravinder Singh

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Amit Sharma, Advocate
for the petitioner.

Mr. M.S.Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.122 dated 18.08.2022 registered under Sections 363, 365, 380, 342, 451 of IPC at Police Station Dugri, Ludhiana (Annexure P-1).

The FIR in the present case was registered on the basis of the statement made by Neha wife of Sajjan Kumar, who alleged that at about 11.00 am on 18.08.2022, her son, aged about three months, was lying in swing in their room and she was busy in household works. In the meantime, two unknown young persons entered in Vehdae and were carrying sticks in their hands and by threatening them, they had kidnapped her son. They also snatched one mobile phone and Rs.1,000/- from her. Later on, on the basis of CCTV footage, Inderpal Singh @ Sonu, Sanjay Mishra, petitioner, Ram Singh and Sonu Kumar were nominated as an accused in the present case.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and was arrested on 19.08.2022 without any evidence. Learned counsel further contends that in the present case, only two witnesses, out of total 15 witnesses have been examined and the next date of hearing for recording of the prosecution evidence is fixed on 20.07.2023. Thus, the petitioner is in custody for the last about 11 months and he is not in a position to influence the witnesses of the prosecution. He further contends that there is no other criminal case registered against the petitioner.

On the other hand, learned State counsel has vehemently opposed the grant of concession of bail to the petitioner on the ground that his presence was found in the CCTV footage as one of the main accused and he had kidnapped the three months old child. However, he admits that no other criminal case was ever registered against the present petitioner.

I have learned counsel for the parties and perused the record with their assistance.

It is not in dispute that the petitioner is in custody since 19.08.2022 and only two witnesses, out of total 15 witnesses have been examined and the conclusion of the trial will take a long time.

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/Duty Magistrate/Chief Judicial Magistrate, concerned.

The petitioner is directed to appear before the SHO, Police Station Dugri, Ludhiana on first and third Monday of every month, during the pendency

of the trial and his presence shall be marked by the concerned SHO in the roznamacha of the police station. He shall also file an affidavit before the learned trial Court notifying his ordinary place of residence and shall also mention the mobile number, which he shall use during the pendency of the trial. In case, the petitioner involves in any other criminal activity, during the pendency of the trial before the learned trial Court, it shall be viewed seriously and the prosecution shall be at liberty to apply for cancellation of bail granted to the present petitioner.

With these observations, the present petition is disposed off.

17.07.2023
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(N.S.SHEKHAWAT)
JUDGE

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