

CRM-M-9666-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-9666-2023 (O & M)

Date of decision: 12.05.2023

Manpreet Singh

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Kamal Narula, Advocate,
for the petitioner.

Mr. Harkanwar Jit Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.83 dated 20.08.2022 under Sections 386, 506, 511, 120-B IPC registered at Police Station City Zira, District Ferozepur.

2. The brief facts of the case are that the statement of the complainant was recorded to the effect that he was running a business of readymade clothes under the name and style of Bansal Readymade Store at Jain Markt, Zira whereas his younger brother-Saurav Bansal was working in England. On 01.08.2022 and 06.08.2022, he (complainant) received mobile calls from mobile No.7901983574 and the caller directed him to pay a sum of Rs.50,000/- or face dire consequences. He had reported the matter to the police. He had now come to know that the Zira police had arrested three

Ramandeep Singh son of Nirmal Singh and Husanpreet Singh @ Ravi son of Ajmer Singh. All of them had attempted to extort money to the extent of Rs.50,000/-.

Based on the aforesaid allegations, the instant FIR came to be registered.

The petitioner and his co-accused had already been arrested by the Police of Police Station Sadar Zira, District Ferozepur in connection with case FIR No. 116 dated 15.08.2022 under Sections 386, 506, 511 and 120-B IPC registered at Police Station Sadar Zira, District Ferozepur. Subsequently, they came to be formally arrested in the present FIR. During the course of the investigation of the case FIR No.116 dated 15.08.2022, the petitioner and his co-accused got recovered mobile phones alongwith SIM Cards.

During the course of investigation of the present case, the petitioner and his co-accused were formally arrested in the present case on 05.09.2022 on the basis of production warrants.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He has been nominated on the basis of suspicion alone and there was no direct evidence available against him. The mobile number which is alleged to have been used for calling does not belong to the petitioner. No ransom money had been paid to the petitioner. As the petitioner was in custody since 05.09.2022 in the present case and none of the 15 prosecution witnesses had been examined so far, the petitioner was entitled to the concession of bail when in FIR No.116 dated 15.08.2022, he had been granted the similar

4. The learned counsel for the State, on the other hand, contends that the petitioner and his co-accused are habitual offenders. The nature of allegations levelled against the petitioner and his co-accused did not entitle him to the grant of concession of bail. He, however, concedes that in FIR No.116 dated 15.08.2022, the petitioner has been granted the concession of bail as also the fact that none of the 15 prosecution witnesses have been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be established during the course of the Trial. Admittedly, the petitioner is in custody since 05.09.2022 in the present case. None of the 15 prosecution witnesses have been examined so far. In FIR No.116 dated 15.08.2022, the petitioner has been granted the concession of regular bail vide order dated 18.04.2023. Therefore, in the instant case as well, the further incarceration of the petitioner is not required.

9. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner-Manpreet Singh @ Manna is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

10. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any crime other than the cases mentioned in this order.

11. In addition, the petitioner (or someone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the

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Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

(JASJIT SINGH BEDI)
JUDGE

May 12, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No