

2023:PHHC:076209

**226 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-25612-2023

Date of Decision: 25.05.2023

**BALWINDER SINGH @ BABU
VS.**

... PETITIONER

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Harkaran Singh, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No.0008 dated 20.01.2023 under Sections 365, 120-B IPC (Section 328 IPC added later on) registered at Police Station City Morinda, Rupnagar.
2. Custody certificate has been placed on record.
3. Learned counsel for the petitioner contend that the allegations against the petitioner and the co-accused are with regard to abduction of Gautam Gupta. It has been submitted that the alleged occurrence is stated to have taken place on 15.01.2023. In fact, on that very day, Gautam Gupta was arrested by the police in a case bearing FIR No. 07 dated 15.01.2023 under Section 21 of the NDPS Act, registered at Police Station Lalru, District SAS Nagar Mohali, as heroin was recovered from him. Gautam Gupta is a drug addict and even at the earlier instance, a case under NDPS Act was registered against him. The petitioner is not in any manner concerned with the arrest of Gautam Gupta and the present FIR has been lodged with an attempt to create false defence version for Gautam Gupta in the case that has been registered against him under NDPS Act. The

petitioner has not been named in the FIR and has been sought to be nominated on the basis of disclosure statement of Swaranjeet Singh @ Kala, co-accused. Three of the co-accused have been granted anticipatory bail and the two co-accused have been granted bail in terms of proviso to Section 167 (2) of Cr.P.C. The petitioner is in custody for a period of 02 months and 07 days and investigation qua him is complete.

4. Learned State counsel has opposed the bail application on the score that serious allegations have been levelled against the petitioner with regard to abduction of Gautam Gupta.

5. The complainant has sought to put forth a version to the effect that his son was administered some intoxicant substance and subsequently, he was abducted. Some intoxicant substance was administered to him and thereafter, he was falsely implicated in a case under NDPS Act. It has not been disputed that challan has been presented against the alleged victim Gautam Gupta, who is the son of the complainant, in a case under NDPS Act. The version as emerging in the present case may be a defence version of the son of the complainant in the case that has been registered under NDPS Act.

6. Learned State counsel has also submitted that even after the registration of the instant case, the FIR against the son of the complaint has neither been cancelled nor any action has been initiated against the police officials, who as per the version of the complainant, had falsely implicated his son. All the co-accused are on bail. The investigation of the case qua the petitioner is complete. The conclusion of trial is likely to take some and no fruitful purpose will be served by detaining the petitioner in further custody.

7. In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

25.05.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No