

CRM-M-26836-2023

-1-

(212)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26836-2023

Date of Decision: 31.05.2023

BABBI

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Arpan Sabharwal, Advocate
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.202 dated 31.12.2022 (Annexure P-1) registered under Sections 386, 34 IPC, 1860 at Police Station Nakodar Sadar, District Jalandhar Rural.

2. The brief facts of the case are that the Investigating Agency received secret information that Babbi (petitioner) son of Sohan Lal, Balwinder Kumar @ Vicky @ Nehri son of Hans Raj @ Karam Chand and Amanpreet Singh @ Aman (granted bail vide order dated 15.05.2023 passed in CRM-M-15730-2023) son of Boota Singh would threaten the people of the city and businessmen using a mobile phone and demanded ransom of lakhs of rupees. They were present at Baba Ishadhari Nakodar Kapurthala Road Uggi and if a raid was conducted they could be apprehended.

Based on the aforesaid information, an FIR No.202 dated 31.12.2022 under Sections 386, 34 IPC at Police Station Nakodar, District

CRM-M-26836-2023

-2-

Jalandhar (Rural) came to be registered against Babbi, Balwinder Kumar @ Vicky @ Nehri and Amanpreet Singh @ Aman. The said accused were arrested on 31.12.2022 and during the course of investigation their disclosure statements were recorded, wherein they admitted that they had demanded ransom from people by installing a mobile application on their mobile phones.

The statement of Sonu @ Harwinder Kumar was recorded under Section 161 Cr.P.C. During the course of investigation, he stated that the accused persons had threatened him on his mobile phone and demanded ransom as he was owner of Sai Jewellers.

3. The learned counsel for the petitioner contends that the petitioner has been named on suspicion alone, it was only thereafter that the statement of Sonu @ Harwinder Kumar was recorded under Section 161 Cr.P.C. wherein allegations have been levelled against the petitioner. He contends that a compromise has been arrived at with Sonu @ Harwinder Kumar as is borne out from Annexure P-2. As the petitioner was in custody since 31.12.2022 and none of the 13 prosecution witnesses had been examined so far, the petitioner was entitled to the concession of bail.

4. The learned counsel for the State contends that the petitioner and co-accused have committed a grave offence by demanding ransom from the said Sonu @ Harwinder Kumar. Therefore, the nature of the allegations levelled against the petitioner did not entitle him to the grant of bail. He, however, admits that a compromise has been arrived at between the parties as is borne out from the Annexure P-2 and the co-accused Amanpreet Singh @ Aman has been granted the concession of bail.

CRM-M-26836-2023

-3-

5. I have heard the learned counsel for the parties.
6. The petitioner is in custody since 31.12.2022. None of the 13 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. As such, the further incarceration of the petitioner is not required, moreso, when a compromise has been arrived at with Sonu @ Harwinder Kumar (complainant).
7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Babbi son of Sohan Lal is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.
9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the 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.
10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

31.05.2023

JITESH

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