

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SR. No.229

CRM-M-37609-2023

Date of decision:12.12.2023

Suhdeep Singh @ Sukha

...Petitioner

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. Nirmaljeet Singh Sidhu, Advocate for the petitioner.

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

N.S. SHEKHAWAT, J.

1. The present petition has been filed under Section 439 Cr.P.C. with a prayer to grant regular bail to the petitioner in FIR No.14 dated 14.02.2023 registered under Sections 387/120-B/506 IPC and under Sections 25/25(6)/54/59 of the Arms Act at Police Station Sangat, District Bathinda.

2. The FIR in the present case was registered on the basis of a statement made by Harpreet Singh @ Gora. The prosecution story, as projected in the FIR, is reproduced hereinunder:-

“.....I, Harpreet Singh @ Gora son of Baljit Singh resident of Paca Kalan, am an agricultural and besides this I am doing business of sale purchase of horses. I have received missed call on my mobile No. 9463152852 on dated 07.02.2023 at 3:22 PM from mobile No. +447548502036. On the same day, I had received message on my whatsapp where it was written “Goe

Tenu phone laya tu chhya ni, baad ch tu layega asi chknaa ni.

Mnu mjboor na kar nuksaan krn nu. Nuksaan kra odu phla phone kr. (I had made a phone call to you, but you did not take the call. Later on, when you call, we will not take the call. Don't force me to cause harm to you. Before I cause harm to you make a phone call) . On this phone, on dated 08.02.2023 at 1:32 PM, I again received phone call. The person who made phone call to me had talked for 9 minutes. The caller told me about himself as Arsh Dala Gangster. He said that we know that where you used to sit. You have good business of horses. You have fond of keeping horses. Sell your horse and give us Rs.20 Lakh otherwise you will be killed. I am presenting the photo copies of the calls and messages received on my phone. Legal action be taken against the person who have given threats on this phone as well as demanding ransom. My life and property may kindly be protected.”

3. Learned counsel for the petitioner submits that the petitioner was not named in the FIR nor there is any allegation in the FIR, which connects the petitioner with the commission of alleged crime. The petitioner was involved in the present case without any evidence and was wrongly arrested on 15.02.2023, on the strength of the supplementary statement recorded by the complainant. As per the said statement made by the complainant, the petitioner had supplied the phone number of the complainant to a gangster, co-accused. He further submits that the petitioner had never made any phone call to the complainant nor demanded any ransom from him. Even no ransom has ever been taken from the

complainant of the present case. He next submits that even as per the case of the prosecution, the ransom was demanded by a person, who disclosed his name as Arsh Dala, a well known gangster. Still further, the recovery of .315 bore pistol and 3 live cartridges from the petitioner is yet to be proved during the course of trial and the petitioner deserves the concession of bail.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that the petitioner was an active member of a notorious gang run by Fateh Singh @ Yuvraj Singh. The said gang extorted money from businessmen and other prominent persons of the State and in case the petitioner is enlarged on bail, they would intimidate eliminate the complainant and other witnesses. He further submitted that the investigation is still going on and in case the petitioner is released on bail, the witnesses of the present case would not be able to depose against him. He next submits that the following cases were also registered against the present petitioner:-

- (i) FIR No.222 dated 31/10/2020 U/S 21A-61-85 of the NDPS Act, Police Station Sangat;
- (ii) FIR No.249 dated 14.08.2019 U/S 302/307/201/148/149 IPC and U/S 25/27/54/59 of the Arms Act, Police Station Talwandi Sabo;
- (iii) FIR No.79 dated 05/05/2021 U/S 307/384/386/506/120-B IPC and U/S 25 of the Arms Act, Police Station Bhawanigarh

(iv) FIR No.46/2023 dated 24/01/2023 U/S 25 of the Arms Act, Police Station City Fatehabad

5. Learned counsel for the State, thus, submitted that it is apparent that the petitioner is involved in a murder, attempt to murder, Arms Act and NDPS cases, wherein serious allegations have been levelled against him. The petitioner is a habitual offender and therefore, he does not deserve the concession of bail.

6. I have heard the learned counsel for the parties and perused the case file, minutely.

7. From the record, it is clear that during the course of investigation, it has been found that the petitioner had supplied the phone number of the complainant to a well known gangster of the State. Even there are serious allegations of demanding ransom from the complainant and other businessmen of the area and the members of the gang of the petitioner are involved in an organised crime in the State of Punjab.

8. Keeping in view the gravity of offence, the petitioner does not deserve the concession of regular bail and accordingly, the present petition is dismissed.

(N.S. SHEKHAWAT)
JUDGE

12.12.2023
mks

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO