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211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37559-2023
Date of Decision: 29.09.2023

Kulwinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. A.D.S.Sukhija, Advocate,
for the petitioner.

Mr. G.S.Sandhu, DAG, Punjab,
for the respondent-State.

RAJBIR SEHRAWAT, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.14 dated 11.02.2023, registered under Sections 387, 120-B, 148 and 149 of the Indian Penal Code, 1860, and Sections 25 and 27 of the Arms Act, 1959, (Sections 148 and 149 of the IPC and Sections 25 and 27 of the Arms Act were deleted subsequently), at Police Station Anaj Mandi, District Patiala.

2. The custody certificate filed by learned counsel for the respondent-State in Court today, is taken on record.

3. It is submitted by the learned counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner is not involved in the crime as alleged against him. Even as per the story of the prosecution the only allegation against the petitioner is that he had formed a gang in

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collaboration with his co-accused and after forming the gang, their plan was to start demanding ransom. However, there is not even any allegation that any ransom, as such, was demanded by the petitioner or his co-accused or was paid by anybody. The petitioner is in custody since 13.02.2023. The petitioner is not required for any investigation purposes. Accordingly, it is submitted that the petitioner deserves to be released on bail pending trial.

4. On the other hand, learned State counsel, being instructed by ASI Malkiet Singh, has submitted that the petitioner was found involved in formation of a gang of criminals which planned to start threatening people for recovering ransom. Therefore, the petitioner is involved in a heinous crime. However, it is not disputed that ransom was never actually demanded by the petitioner or any one of his accomplices in the present case or paid by anybody. It is also not disputed that the petitioner is in custody since 13.02.2023.

5. In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

29.09.2023
adhikari

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