

2023:PHHC:139725

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of decision : 02.11.2023

1. CRM-M-37970-2023 (O&M)

Gurwinder Singh @ Gora

..... Petitioner

versus

State of Punjab

..... Respondent

2. CRM-M-52703-2023

Arshdeep Singh @ Arsh and others

..... Petitioners

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Shiv Kumar, Advocate
for the petitioner in CRM-M-37970-2023.

Mr. Mohit Garg, Advocate
for the petitioners in CRM-M-52703-2023.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petitions have been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case bearing FIR No.93 dated 06.12.2022, registered for the offences punishable under Sections 364, 364-A, 365, 386 and 34 of IPC (Sections 323, 341 and 342 of IPC added later on) at Police Station Khanauri, District Sangrur.

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2. FIR was registered at the behest of one Nirmal Singh alleging that his brother Sanjeev Kumar has been kidnapped and ransom of Rs.1 Crore was being asked through a mobile call. Victim Sanjeev Kumar was found confined at a motor room on the same date i.e. on 06.12.2022 and the present petitioners are alleged to have apprehended from the spot.

3. Counsel for the petitioners have referred to the statements made by the complainant Nirmal Kumar and victim Sanjeev Kumar who appeared as PW-1 and PW-2 respectively to submit that neither of them has supported the prosecution and have been turned hostile. Thus, it is unlikely that the trial will lead to any conviction.

4. Custody certificate has been produced by State counsel, which is taken on record. As per the same, petitioner-Gurwinder Singh @ Gora is stated to have undergone actual custody of more than 10 months and 27 days. Likewise, Arshdeep Singh @ Arsh is also behind bars for more than 10 months and 27 days.

5. Mr. Shukla is not in a position to controvert the aforesaid assertions especially with respect to the victim and the complainant turned hostile.

6. In view of above, the present petitions are allowed. Petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

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8. Since the main case has been decided, pending
miscellaneous application, if any, shall also stands disposed off.
9. A photocopy of this order be placed on the file of other
connected case.

(PANKAJ JAIN)
JUDGE

02.11.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No