

CRM-M-40728-2023

-1-

(228)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40728-2023

Date of Decision: 28.08.2023

MUKHTIAR SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. R.K. Kachura, Advocate
for the petitioner.

Ms. Ramta K Choudhary, 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.35 dated 29.03.2022 registered under Sections 379-B, 384, 389, 120-B IPC at Police Station City Jalalabad, District Fazilka.

2. This FIR was registered on a complaint having been moved by Bal Ram son of Makhan Lal before SHO Police Station City, Jalalabad wherein it is alleged that on 23.03.2022 at 4/5 pm, he was going towards Jalalabad riding a motorcycle and when he reached near the Toll Plaza, two females signaled him to stop and sought a lift. Considering their old age, he allowed both of them to ride on his motorcycle. After reaching near police station Sadar, he stopped the motorcycle to unload them, but all of a sudden, both of them caught hold of him from his collar and started dragging him. As per conspiracy, 4-5 youngsters and 4-5 other females also joined them. One of them snatched his mobile phone while the other one snatched his wallet

containing 4000/5000 rupees cash, ATM and debit card as well as his blank signed cheques. Thereafter, all the said persons kidnapped and dragged him towards village Kamrewala. On the way, they used his mobile phone to make calls. They also clicked his photographs and made video clips. Then all of them apprised him that he has been entangled and demanded Rs.5.0 lacs from him under the threat that otherwise they would involve him in a sex crime. They also obtained his signatures upon blank papers. Ultimately, all the accused demanded Rs.1.0 lakh by threatening that otherwise, they would level rape allegation. Under threat, he arranged Rs.15,000/- from his commission agent and handed it over to the accused. He also took back his mobile phone, but his documents were retained to be returned after paying the remaining money. Out of fear and in order to save his prestige, he did not disclose this fact to anybody, but the above said accused through different mobile numbers started blackmailing. After registration of the FIR, during the course of investigation, two of the accused Mukhtiar Singh (petitioner) and Amro Bai (granted bail vide order dated 10.11.2022 passed in CRM-M-20665-2022) were rounded up on 29.03.2022. Some of the money was also recovered from Amro Bai as per her disclosure statement. A mobile phone, make Samsung was recovered from their possession as well.

3. The learned counsel for the petitioner contends that he has been falsely implicated in the present case. There is an inordinate delay of 06 days in the registration of the FIR. The occurrence pertains to 23.03.2022 whereas the instant FIR came to be registered on 29.03.2022. One of the co-accused of the petitioner namely, Amro Bai had been granted the concession of regular bail by this Court vide order dated 10.11.2022 (Annexure P-3)

CRM-M-40728-2023

-3-

whereas another co-accused Usha Rani had been granted the concession of anticipatory bail by this Court vide order dated 09.08.2022 passed in CRM-M-12936-2023. As the petitioner was in custody since 29.03.2022 and none of the 08 prosecution witnesses had been examined so far, he was entitled to the concession of bail.

4. On the other hand, the learned State counsel contends that the petitioner and his co-accused have committed a grave offence. Looking at the nature of the allegations, he was not entitled to the concession of regular bail. She, however, concedes that the petitioner is in custody since 29.03.2022, none of the 08 prosecution witnesses have been examined so far and that whereas co-accused Amro Bai has been granted the concession of regular bail, another co-accused Usha Rani has been granted the concession of anticipatory bail.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be a matter of adjudication during the course of trial. Admittedly, the petitioner is in custody since 29.03.2022 and none of the 08 prosecution witnesses have been so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Mukhtiar Singh son of Gajjan Singh is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

CRM-M-40728-2023

-4-

8. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- 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.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

28.08.2023

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No