

CRM-M-40758-2023
CRM-M-49381-2023

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2023:PHHC:150888

**214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of decision : 28.11.2023

CRM-M-40758-2023

SAJAN SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CRM-M-49381-2023

ARSHDEEP SINGH @ MALHI

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ashish Aggarwal, Advocate
for the petitioners.

Mr. Jaswinder S. Arora, DAG, Punjab
with ASI Karandeep Singh.

Mr. Vikasdeep Singh, Advocate for
Mr. Raghav Soni, Advocate for the complainant.

PANKAJ JAIN, J. (ORAL)

The petitioners have invoked jurisdiction of this Court under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.117 dated 26.04.2023 registered for the offences punishable under Sections 307, 365, 452, 379B(2), 148, 149, 506 IPC and Sections 25, 27 of Arms Act, 1959 (Sections 323, 325 IPC added later on) at Police Station B-Division, District Amritsar City.

2. Custody Certificates of the petitioners have been filed today in Court. The same are taken on record.
3. As per the contents of the FIR recorded on the statement made by Gautam Bhatti it was alleged as under :

“xxx I am resident of above mentioned address and is running a Hotel on lease namely Gopal Inn at Mahna Singh Road. On 25-04-2023, at about 11:50 PM, I was present in Hotel Gopal Inn, when two persons came into my hotel after parking Splendor motorcycle outside the hotel and didn't talk to me and went outside upon seeing me. On 26-04-2023, the said two persons again came on motorcycle at about 12-10 AM to 12-15 AM and came inside after parking the motorcycle outside and behind them, a white color Verna car bearing registration No.PB46-AF-9587 stopped in front of my hotel, out of which, 5-6 persons duly armed with weapons came inside. I was sitting in the room behind the ground floor of the hotel, who upon coming, started giving me slaps and took me outside. One of them also pointed out pistol upon my forehead and threw me in the Verna car parked outside. To terrorize, they also opened fires in the air with their weapons. They kidnapped me with an intention to kill and took towards Tarn Taran side. I was given beatings near Tarn Taran and the video of giving beatings to me was also prepared. I was given blows upon my head with handles of weapons and also attributed several injuries and after attributing injuries to me, threw me near Tarn Taran-Amritsar bypass and threatened me that if you inform to the police station then you will also be shoot out. When they were just beating me, then the gold chain in my neck along with locket and a gold ring, gold Challa, receipt of my hotel, an amount of Rs.50,000/- of my committee and a titan watch were also snatched. I made a request to an auto rickshaw coming from behind to drop me near Amritsar Bypass. Thereafter, I made a phone call to my father Vaishno Onkar from

the mobile of auto driver to the effect that I have been beaten and thrown away. At present, I am near Golden Gate. Upon which, my father and brother Kunal brought me to you. The cause of enmity is that on 14-04-2023, two men comprising one Manga and Love came to my hotel to take a room without any id proof. But I didn't give the room without any id proof, who had threatened me that we will see you. I can recognize the other persons on coming before me. I am the claimant. Take action.xx”

4. The prosecution claims that the *reiki* of the place was conducted by one Priya. They further claim that they received a secret information w.r.t. involvement of Sajan Singh in the occurrence. Sajan Singh on the basis of the said secret information was arrested who suffered disclosure and on the basis of the said disclosure the offence further travelled to the door of Arshdeep Singh @ Malli. It has been further contended by the State Counsel that both the accused were identified by the complainant after having been produced before the concerned Magistrate.
5. Mr. Aggarwal submits that so far as petitioner Arshdeep Singh @ Malli is concerned the complainant himself has executed affidavit exculpating him in clear terms stating that Arshdeep Singh @ Malli was not involved in the crime.
6. Counsel appearing for the complainant admits that aforesaid fact w.r.t. execution of affidavit by the complainant.
7. So far as petitioner Sajan Singh is concerned, there is no dissemination of the source from where the secret information was received thus his disclosure that too while in police custody alone is a weak piece of

evidence. Both the petitioners are behind bars from last more than 7 months (Sajan Singh) and 6 months & 9 days (Arshdeep Singh @ Malli). Investigation already stands concluded and challan stands presented.

8. After hearing rival contentions of the parties and after going through records of the case, without commenting on the merits thereof, keeping in view the incarceration already suffered by the petitioners and the fact that the investigation already stands concluded and Challan stands presented, the present petitions are allowed. The petitioners are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10. A copy of this order be kept on the file of other connected case.

November 28, 2023
Dpr (Pankaj Jain)
Judge

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