

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-42293-2023

Date of Decision:-30.11.2023

Aman @ Imli.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Kanwaljeet Singh, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this second petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.16 dated 17.01.2022 under Sections 384, 364, 34, 323, 506 IPC (Section 324 of IPC added later on) registered at Police Station Sahnewal, District Police Commissionerate, Ludhiana.

2. The present FIR came to be registered on the statement of Sanjay Upadhyay who stated that on the evening of 16.01.2022 while he was standing outside his residence two unknown individuals forcibly took Rs.200/- from him. On 17.01.2022 the same two individuals accompanied by two more individuals came to his house in a white Maruti Car, threatened him to hand over more money but he refused. His son Sonu intervened. However, the assailants abducted him in the Maruti Car and took him to Shimlapuri area where the other accused were present. One of the assailants inflicted a knife injury on his right arm. They coerced him into calling his son Sonu and demanded a sum of Rs.10,000/- which was to be sent by Google Pay. Thereafter the accused dropped him near the Sabzi Mandi.

Upon registration of the FIR on 19.01.2022 during the course of investigation, it was revealed that the petitioner was using a mobile number 90413-45232 on which the money was initially to be transferred by Paytm but later came to be transferred on another number vide Google Pay. Section 324 IPC was also added on the basis of the MLR.

As the petitioner was already in custody in connection with FIR No.100 dated 19.05.2023 under Section 399/402 IPC P.S. Sadar, Ludhiana he was taken on production warrants and arrested in the present case. He disclosed the names of co-accused as Manish Kumar @ Sunny Sharma, Rahul @ Vevra and another Rahul.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He is not named in the FIR and has been arrested on suspicion alone. As he was in custody since 03.06.2023, none of the 12 prosecution witnesses have been examined so far and in the one other case registered against him, he had been granted the concession of bail, he was entitled to the similar concession in the present case as well as the Trial was not likely to be concluded in the near future.

4. The Counsel for State has filed reply by way of affidavit of Mr. Gur Iqbal Singh, ACP, Ludhiana (South), which is taken on record. While referring to the said reply, she contends that the petitioner and his co-accused forcibly abducted the complainant, took him in a Maruti Car, inflicted a knife injury and received an amount of Rs.10,000/- as ransom. He therefore contends that the serious nature of the allegations levelled against the petitioner did not entitle him to the grant of bail. He however concedes that the petitioner is in custody since 03.06.2023, none of the 12 prosecution witnesses have been examined so far and that in the other case registered against him, he had been granted the concession of bail vide order Annxure P-2.

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 adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 03.06.2023, none of the 12 prosecution witnesses have been examined so far and in the one other case registered against him he had been granted the concession of bail. In this situation the further incarceration of the petitioner is not required, more so

when the Trial is not likely to be concluded anytime soon.

9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Aman @ Imli** son of Sh. Adesh Kumar is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this case.

11. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- 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.

12. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

November 30, 2023

Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>