

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-46149-2022

Date of Decision: 16.01.2023

Randhir Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. S.S. Gill, Advocate for the petitioner.

Mr. Jaspal Singh Guru,
Assistant Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 13.01.2023 filed along with reply dated 16.01.2023, by way of affidavit of Sh. Rashpal Singh, Deputy Superintendent of Police, Headquarters Batala, Police District Batala, on behalf of respondent-State, are is taken on record.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 0081 dated 11.07.2022 registered under Sections 387 and 307 read with Section 34 IPC and Section 25 of the Arms Act (Section 29 of the Arms Act was added later on) at Police Station Dera Baba Nanak, Police District Batala, District Gurdaspur.

As per prosecution story, the present FIR was got registered on the statement of one Palwinder Singh to the effect that he is running

Guru Nanak Hospital at Talwandi Rama. On 01.07.2022, he received a phone call from mobile phone No. 00601164376989 through Whatsapp and the person calling introduced himself as Toofan and demanded Rs.5,00,000/- from him. He did not pay any importance to that. On 10.07.2022, he went to his village Pakhoke Mehmara from his hospital. At around 8:00 P.M. he received a call from one Vijay Sewadar from his hospital that at about 9:03 P.M., two young men came on motorcycle from Fatehgarh Churrian side who were having muffled faces and they fired three shots on the gate of the hospital and same hit the glasses of the gate. At about 10:05 P.M., he came to the hospital and again got a call from the same number through Whatsapp and he was told that now he has seen the trailer and he has been threatened and extortion money has been demanded from him. During investigation, co-accused Surinder Singh, was apprehended who disclosed that the bullets so used in the occurrence had been brought from the petitioner and the person who fired the shot was got arranged by Gurwinder Singh @ Sekhon S/o Jasbir Singh and the alleged threatening calls from abroad were also being called by said Gurwinder Singh, only from some one.

Learned counsel *inter alia*, contends, that petitioner has falsely been implicated in the instant case, on the basis of disclosure statement of co-accused-Surinder Singh, which is a very weak type of evidence. The only role attributed to the petitioner that he had supplied the bullets to his co-accused-Surinder Singh, which were used in the occurrence. He is not involved in any other case. The petitioner is in custody since 17.08.2022. Nothing has to be recovered from him. The

trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand, learned State counsel has opposed the present petition. However, he fairly conceded the fact that the petitioner is not involved in any other case.

Keeping in view the facts and circumstances of the case and the fact that petitioner is not involved in any other case and conclusion of trial may take long time, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner-Randhir Singh, is ordered to be released on regular bail on furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

January 16, 2023
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(ASHOK KUMAR VERMA)
JUDGE

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