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

CRM-M-46673-2022 (O&M)

CRM-11202-2023

Date of Decision: 15.03.2023

LAL SINGH

...Petitioner

versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Tanvir Singh Attariwala, Advocate
for the petitioner.

Mr. Aditya Kapoor, A.A.G., Punjab.

HARSH BUNGER, J.

CRM-11202-2023

The present application is filed for placing on record the documents Annexures P-7 to P-11 and also for exemption from filing certified/true typed copies thereof.

For the reasons mentioned in the application, the same is allowed and Annexure P-7 to P-11 are taken on record, subject to all just exceptions.

CRM-M-46673-2022

Petitioner (Lal Singh) has filed this petition under Section 439 of the Code of Criminal Procedure seeking grant of regular bail in FIR bearing No.215 dated 01.12.2020 (Annexure P-1), under Sections 364-A, 369, 342, 506, 381, 473, 411, 171, 120-B of Indian Penal Code and

Section 25 of Arms Act, 1959 registered at Police Station City Dugri, District Ludhiana, Punjab.

Succinctly, the abovementioned case FIR was registered on the statement of complainant Pankaj Gupta son of late Prem Kumar Gupta, who stated that he is doing the work of real estate and he has a son Vinamar Gupta @ Thakur aged about 2½ years. It was stated that some time ago he had employed one driver, whose details as per his ID proof were of Harjinderpal Singh (aged 45 years) son of Butta Ram, resident of Manakwal, Ludhiana. On 01.12.2020 at about 1:45 p.m., his driver had taken his son on car bearing No. PB10-FL-8134 (Make Dezire, color white) and 15 minutes later his wife Mukhta Gupta received a call on her mobile phone from Mobile No. 85048-21213 of his driver Harjinderpal Singh, who stated that he was looking for an opportunity to kidnap their son and today he has done that and in case they wanted to get their son then they have to pay big amount in lieu of that else he would kill their son. He also threatened that in case police is informed then they will have to face dire consequences. The driver is further alleged to have stated that he will again call to disclose when and where he will receive the money. The complainant tried to find out his driver with the car and his son, at his own level in Ludhiana city but could not trace them. It was stated that their driver Harjinderpal Singh had confined their son Vinamar Gupta @ Thakur with the intention to get the ransom from them and also committed theft of his car. Accordingly, the abovesaid case FIR (Annexure P-1) was registered.

Petitioner (Lal Singh) was arrested in this case on 06.12.2020. The petitioner applied for regular bail on two occasions; however, both the bail applications were dismissed by the Court of Additional Sessions Judge,

Ludhiana, vide order dated 24.11.2021 (Annexure P-2) and order dated 19.09.2022(Annexure P-3), respectively. Accordingly, the instant petition has been filed before this Court seeking regular bail.

Notice of this petition was issued to the State, whereupon a status report has been filed on behalf of State of Punjab.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as he is not named in the FIR and he has no concern with the alleged occurrence. It is contended that the petitioner has never indulged in criminal activities and the allegations are mainly against the driver Harjinderpal Singh. It is further contended that as per prosecution there is an eye witness namely Shri Dhar Aggarwal who stated that on the date of alleged incident i.e. 01.12.2020, he saw the child sitting on the front seat of the car of the complainant which was being driven by Harjinderpal Singh and two persons were sitting at the back seat i.e. the petitioner and one Sukhdev Singh @ Sukha and when the eye witness inquired as to where they were going then he was told by Harjinderpal Singh that they were going for a drive. Learned counsel for the petitioner submits that he was not aware as to whom the child belonged to and the petitioner was told by Harjinderpal Singh that the child was his (Harjinderpal's) brothers son. It is contended that even if the eye witness account is to be believed even then no offence is made out as the petitioner had no intention to kidnap the child. It is further contended that there is nothing to connect the petitioner with the alleged offence and the said case has been foisted upon the petitioner. It is submitted that the three co-accused persons namely Rachhpal Singh, Mandeep Kaur and Sukhdev Singh @ Sukha have already been granted regular bail by Coordinate bench of this court vide order dated 24.05.2022 and 09.09.2022

(Annexure P-4 to P-6). It is further submitted that the petitioner has been in custody since 06.12.2020. It is also submitted that the investigation in this case is complete and challan stands presented and even the charges have been framed in this case on 12.08.2021. It is submitted that the complainant of this case already stands examined and the trial is likely to take time and no useful purpose would be served by keeping the petitioner behind the bars. Learned counsel for the petitioner submits that petitioner is ready to abide by any condition to be imposed by this Court or by the trial court; accordingly, prayer for grant of regular bail is made.

Per contra, learned State Counsel as well as the counsel for the complainant have opposed the prayer of petitioner for grant of regular bail on the ground of seriousness of the offence and that the petitioner had participated in the occurrence. Learned State Counsel submits that as per the status report, the petitioner is involved in one other case FIR No. 216 dated 06.12.2020 under NDPS Act. However, learned State Counsel he does not dispute the custody period of the petitioner and also that the investigation in this case is complete and challan stands presented and even the charges have been framed in this case on 12.08.2021. It is also not disputed that the complainant of this case has already been examined.

Learned counsel for the petitioner has placed on record a copy of the order dated 08.12.2022 (Annexure P-11) in CRM-M-56171-2022 passed by a Coordinate bench of this court whereby petitioner has been granted regular bail in the abovesaid case FIR No. 216 dated 06.12.2020 under sections 22 and 29 of NDPS Act

I have heard, learned counsel for the petitioner as well as the learned State counsel, besides going through the paperbook and also the status report submitted on behalf of the State of Punjab.

In this case, the petitioner has been in custody since 06.12.2020 i.e. more than 2 years and 3 months. Investigation in this case is complete, challan stands submitted and even the charges have been framed in this case on 12.08.2021. The complainant of this case already stands examined and the trial is likely to take some time and no useful purpose would be served by keeping the petitioner behind the bars. Moreover, the three other co-accused persons namely Rachhpal Singh, Mandeep Kaur and Sukhdev Singh @ Sukha have already been granted regular bail by Coordinate Bench of this court vide order dated 24.05.2022 and 09.09.2022 (Annexure P-4 to P-6).

Keeping in view the aforementioned circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned.

However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency of case and any change in the address shall also be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his undertaking to the effect that he will not indulge in any illegal activity.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose

of adjudicating the present bail petition.

The petition is accordingly disposed of.

March 15, 2023
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(HARSH BUNGER)
JUDGE

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