

CRM-M-48421-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 29.09.2023

Baljit Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Angad Parmar, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG Punjab.

ARUN MONGA, J. (Oral)

After being declined bail by the trial Court, petitioner before this Court seeks his release as undertrial in a case bearing FIR No.96 dated 30.06.2022, registered under Sections 201, 120-B,323, 344, 364-A, 420, 506, 148 read with Section 149 of the Indian Penal Code, 1860 (for short 'IPC') at Police Station, Subhanpur, District Kapurthala.

2. Per prosecution, on 24.06.2022, one Paramjit Singh Chandi approached ASI Rajinder Kumar at the police station, and reported that his son Narinderpal Singh had been forcibly taken from a de-addiction centre run by Baba Jagtar Singh. Narinderpal Singh had been admitted to the centre for drug de-addiction treatment. He was subjected to physical abuse and threats while in drug de-addiction centre. Petitioner along with associates including Baba Jagtar Singh, owner of de-addiction centre, had allegedly coerced the complainant into paying money for his son's release. Subsequently, said Baba Jagtar Singh demanded a total of Rs. 3,00,000/- from the complainant, threatening harm to his son if the payment was not made. Beleaguered complainant budged and handed over the money in cash. Despite paying the demanded amount, his son was still beaten and maltreated by the petitioner and his accomplices. The complainant managed to

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meet his son, witnessed the injuries he had sustained due to the assault. On the basis of the aforesaid statement, FIR was registered. Petitioner Baljit Singh, Jagtar Singh (owner of the de-addiction centre), Sukhwinder Singh alias Sukha Grenade, Pavittar Singh and Ranjit Singh alias Pappu Bhagwanpuria, were arrested during the course of investigation. Petitioner was arrested on 30.06.2022.

3. At the outset, learned counsel for the petitioner submits that main accused, namely Jagtar Singh Bal @ Baba, owner of the de-addiction centre, has been accorded the concession of bail by this Court, vide order dated 19.09.2023 passed in CRM-M-55589-2022.

3.1. Further urges that while co-accused, namely, Ranjit Singh @ Pappu and Sukhwinder Singh have also been granted concession of regular bail by this Court vide common order dated 29.08.2023 (Annexure P-4) passed in CRM-M-56745-2022 and CRM-M-55598-2022. Role attributed to the petitioner is on similar footing, yet he continues to languish in jail while others have been granted bail.

3.2. Learned counsel for petitioner further contends that there is no direct or indirect evidence against the petitioner. There is an unexplained delay of six days in registration of FIR. He further submits that it is the complainant himself who stated before the police that his son Narinderpal Singh is a drug addict. He ran away from the institute i.e. Dera. Thereafter, the employees of the institute (Dera) handed over the son of the complainant, his motorcycle and a phone to the complainant. Petitioner has thus been falsely implicated in this case.

3.3. He also submits that nothing is to be recovered from the petitioner and he is not required for further custodial interrogation. There is no likelihood of petitioner tampering with evidence and/or influencing prosecution witnesses.

4. On the other hand, learned State counsel opposes the bail petition and submits that petitioner has committed a serious offence. He further submits

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that accused is involved in another case bearing FIR No.11 dated 10.03.2020, registered under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station, Hajipur, District Hoshiarpur. In case, petitioner is granted concession of bail, there are chances of his fleeing from justice. On a Court query, he, however, does not dispute that other co-accused, who are similarly placed as the petitioner, have been granted bail.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. On a Court query, learned State counsel on instructions from ASI Rajinder Singh, submits that challan was presented on 29.09.2022 and charges have been framed. Investigation qua the petitioner is complete. He is thus not required for any further custodial interrogation. Allegations against petitioner are a matter of trial at this stage. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Out of total 22 witnesses, only 01 has been examined till date. Trial is proceeding at a snail's pace. Whereas, petitioner has already been in jail for the last almost 01 year and 03 months, being in custody since 30.06.2022.

7. Petitioner is being kept in preventive custody merely on an unfounded suspicion that if he is let out, he may either tamper with evidence and/or influence witnesses. There is no probability of tampering with evidence as the same has already been seized by the investigating agency.

8. Petitioner is stated to be 30-year old married person, having a family comprising of wife and one minor child, aged 10 years and in his absence, his family members are living in sheer penury being dependent on him. Being family person and having fixed abode, it is unlikely that he poses any flight risk and/or will flee from trial proceedings.

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9. Co-accused of petitioner have already been granted the concession of bail by this Court.
10. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.
11. Accordingly, petitioner is ordered to be released on bail, in case not required in any other case, on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.
12. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.
13. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for the limited purpose of hearing the instant bail petition alone and learned trial Court shall proceed without being influenced with this order.
14. Pending application(s), if any, shall also stand disposed of

(ARUN MONGA)
JUDGE

September 29, 2023
Ajay

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