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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49403-2023 (O&M)
Date of decision : 18.12.2023

BHAWANJIT SINGH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. C.S. Rana, Advocate for the petitioner.

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

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.136 dated 31.03.2023 registered for the offences punishable under Sections 364 and 34 IPC, and Sections 364-A/365/451/342/170/419/420/201 added later on at Police Station Division No.7, District Ludhiana.

2. Custody Certificate of the petitioner has been produced. The same is taken on record.

3. As per the contents of the FIR, it has been alleged as under :

“xxx I am resident of above mentioned address and I have lottery shop at Bal Singh Nagar, Street No. 4, Basti Jodhewal, Ludhiana and I have kept one youth Sunny Arora son of Arvinder Kumar resident of Street No. 6, Baldev Nagar, Rahon Road, Ludhiana for doing work in my shop. Today at time about 8:20 PM phone call of Sunny Arora came to me and he said

that 4 police officials in civil uniform have come at our shop in one white colour Swift Car and they are taking him with them. Short while later I went at my shop and came to know from adjoining shopkeepers that they have taken away Sunny Arora in white colour Swift Car No. PB10-EC-4020. When I checked my shop then I came to know that they had also stolen money from the cash-box. In the meantime, phone call of Sunny Arora came and when I answered the phone call then some other persons were speaking on phone and they said to me that they are officials of CIA Staff and have brought my servant with them, we shall take action against him. I pleaded to them on phone and then they said that we are standing at Tajpur Road Near Dashmesh Dairy, arrange Rs. 25000/-and then we shall release your servant Sunny Arora else we shall take action against him. I was going to Tajpur Road to secure release of my servant. I have doubt that they are fraud persons and they have kidnapped my servant with intention of causing bodily harm to him. You have met on the way. Please help me. I alongwith you reached near Dashmesh Dairy, Tajpur Road and one Swift Car No. PB10-EC-4020 was standing there and two persons were standing outside near it. When I alongwith you tried to go near the car from distance then on seeing you two persons who were standing out of car fled away. I alongwith you went to the spot and checked the car and my servant Sunny Arora was sitting at back seat, one person having trimmed skull hair was sitting at driver seat of car and another person having trimmed skull hair had held Sunny Arora captive at back seat. On asking by you the person sitting at driver seat disclosed his name as Bhawanjit Singh son of Amarjit Singh resident of Bhamian Khurd and person sitting at backseat disclosed his name as Rajvir Singh son of Gurdeep Singh resident of Khasi Kalan, Ludhiana. On asking by you Bhawanjit Singh disclosed the name of persons fled away from the spot as Gautam resident of Basti Jodhewal, Ludhiana and Ankit Sharma resident of Choti Bhamian. Statement recorded to you, heard, is correct. Action be taken. xxxx “

4. Counsel for the petitioner submits that the petitioner is behind bars for more than 8 months and 17 days. Challan already stands presented and investigation is complete and thus there can't be any apprehension that the petitioner shall tamper with the evidence.
5. State Counsel is not in position to dispute the aforesaid factual assertions made by counsel for the petitioner based on record of the case.
6. I have heard counsel for the parties and have gone through records of the case.
7. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented thus custody of the petitioner cannot be prolonged as a punitive measure, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

December 18, 2023
Dpr

(Pankaj Jain)
Judge

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