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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: October 12, 2023

Pavitter Singh @ Pavitar Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

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

Mr. Mohit Thakur, AAG Punjab.

ARUN MONGA, J. (ORAL)

Following the denial of bail by the learned trial Court, the petitioner is now before this Court seeking his release as an undertrial in a case FIR No.96 dated 30.06.2022, registered under Sections 323, 344, 506, 148, 149 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC') (Sections 366-A stands deleted and Sections 364-A, 420, 201 and 120-B of IPC added later on), at Subhanpur Police Station, in Kapurthala, Punjab.

2. According to the prosecution's account, on June 24, 2022, Paramjit Singh Chandi approached ASI Rajinder Kumar at the police station, reporting that his son, Narinderpal Singh, had been forcibly taken from a de-addiction center run by Baba Jagtar Singh. Narinderpal Singh had been admitted to the center for drug de-addiction treatment and had endured physical abuse and threats during his time there. Allegedly, Baba Jagtar Singh and his associates coerced the complainant into paying for his son's release. Subsequently, Jagtar Singh demanded a total of Rs. 3,00,000 from the complainant, threatening harm to his son if the payment was not made. The complainant complied and handed over the money in cash. Despite paying the demanded amount, his son was still subjected to beatings and mistreatment. The complainant managed to meet his son, witnessing the injuries he had sustained due to the assault. During the investigation, Jagtar Singh (the owner of the de-addiction center), Sukhwinder Singh alias Sukha Grenade, Baljit Singh, Pavittar Singh (the petitioner), and Ranjit Singh alias Pappu Bhagwanpuria were arrested. An FIR was registered based on the complainant's version. The petitioner was arrested on July 01, 2022.

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3. First and foremost, the learned counsel for the petitioner argues that the co-accused, Ranjit Singh @ Pappu, Sukhwinder Singh, Baljit Singh, and Jagtar Singh Bal @ Baba, were already granted bail by this Court, as per the orders dated August 29, 2023, passed in CRM-M-56745-2022 and connected cases dated September 29, 2023, and September 19, 2023, passed in CRM-M-48421-2023 and CRM-M-55589-2022.

3.1. The learned counsel for the petitioner submits that the complainant himself got his son admitted to the Drug De-addiction center on April 9, 2022, and transferred an amount of Rs. 20,000/- to the account of the co-accused. As for the amounts of Rs. 30,000/- and Rs. 3.00 lakhs, there is no evidence. It is also contended that the story presented by the complainant contradicts the FIR itself. On the same day, i.e., on June 24, 2022, the complainant informed the police that co-accused individuals of the petitioner had informed him on the phone that his son Narinderpal Singh, who is a drug addict, had run away from the Dera. Subsequently, employees of the said Dera handed over his son, motorcycle, and a phone to the complainant. There is an unexplained delay of six days in the registration of the FIR.

3.2. Finally, he submits that nothing is to be recovered from the petitioner, and he is not required for further custodial interrogation. There is no likelihood of the petitioner tampering with evidence or influencing prosecution witnesses. The petitioner is not involved in any other case.

4. On the contrary, learned State counsel strenuously opposes the petition, expressing concerns about the possibility of the petitioner fleeing from trial proceedings if granted bail. Also argues that the petitioner has committed a serious offense. He however, admits that petitioner is not involved in any other case.

5. I have heard the rival arguments and reviewed the case file.

6. In response to a query from the Court, under instructions from ASI Rajinder Singh, learned State counsel informs that the challan has already been filed and charges were framed on June 08, 2023. Thus, the investigation regarding the petitioner is complete, and he is not required for custodial interrogation.

7. At this stage, the allegations against the petitioner are subject to trial. The trial's progress has been slow, and it is anticipated to take a considerable amount of time. Of

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the twenty two witnesses, only one has been examined so far. Bail serves the purpose of allowing an accused to remain free until their guilt or innocence is determined. In contrast, the petitioner has been in detention since July 01, 2022, for more than 01 year and 03 months.

8. The petitioner’s continued preventive custody is based on an unsubstantiated suspicion that he might tamper with evidence or influence witnesses. There is no probability of tampering with evidence as it has already been seized by the investigating agency.

9. The petitioner is stated to be a 38-year-old person and having a fixed abode, it is unlikely that he poses any flight risk and/or will flee from trial proceedings.

10. Considering the overall scenario, 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 by keeping the petitioner in further preventive custody.

11. Accordingly, the petitioner is ordered to be released on bail, in case not required in any other case, upon furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court, where his case is being tried, and in case he/she is not available, before the learned Duty Judge, as the case may be.

12. In case the petitioner is found involved or gets involved in any offense while on bail, the prosecution shall be at liberty to seek the 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 the merits of the case, as they are for the limited purpose of the bail hearing alone, and the learned trial Court shall proceed without being influenced by this order.

14. Pending applications, if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

October 12, 2023

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No