

268

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-55589-2022 (O&M)

Date of decision: 19.09.2023

Jagtar Singh Bal @ Baba

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Vivek K. Thakur, Advocate,
For the petitioner.

Mr. Dhruv Dayal, AAG, Punjab.

ARUN MONGA, J. (ORAL)

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

2. Prosecution case is that, on June 24, 2022, one 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 centre run by Baba Jagtar Singh (petitioner). 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. Baba Jagtar Singh (petitioner), along with associates, had allegedly coerced the complainant into paying money for his son's release. Subsequently, the petitioner 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 beaten and mistreated. The complainant managed to meet his son, witnessing the injuries he had sustained due to the assault. Petitioner, namely, Jagtar Singh (owner of the de-addiction centre), Sukhwinder Singh alias Sukha Grenade, Baljit Singh, Pavittar Singh and Ranjit Singh alias Pappu Bhagwanpuria, were arrested during the investigation. FIR was registered as per version of the complainant. Petitioner was arrested on 30.06.2022.

3. Learned counsels for petitioner submit that there is no direct or indirect evidence against the petitioner. There is an unexplained delay of six days in registration of FIR. He 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.

3.1 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.

3.2 Co-accused, namely, Ranjit Singh @ Pappu and Sukhwinder Singh have already been granted concession of regular bail by this Court vide order dated 29.08.2023.

4. On the other hand, learned State counsel opposes the bail petition and submits that petitioner has committed a serious offence. In case, petitioner is granted concession of bail, there are chances of his fleeing from justice. He submits that he is a habitual offender. He submits that twelve other cases under NDPS Act, Arms Act, Sections 399, 353, 457, 454, 452 etc. are pending against him.

5. In rebuttal, learned counsel for the petitioner submits that out of 12 cases, in five cases, he was acquitted and in one case, he was convicted and in four cases, he is on bail and in one case, he is on probation, as per custody certificate.

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

7. On a Court query, learned State counsel on instructions from SI Kuldeep Singh, submits that challan has been presented. 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. Commencement/conclusion of trial will take some time as it is proceeding at a snail pace. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Whereas, petitioner has already been in jail for the last more than 01 year and 02 months, being in custody since 30.06.2022.

8. 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.

9. Petitioner is stated to be 39-year old family person, 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.

10. Co-accused of petitioner have already been granted the concession of bail by this Court.

11. Considering the overall scenario and without commenting on the merits of the case, the instant petitions is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

12. 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.

13. 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.

14. 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.

15. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

19.09.2023
Vandana

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