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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: 29.08.2023
CRM-M-56745-2022 (O&M)

Ranjit Singh @ Pappu
.....Petitioner
versus
State of Punjab
.....Respondent
CRM-M-55598-2022 (O&M)
Sukhwinder Singh
.....Petitioner
versus
State of Punjab
.....Respondent

CORAM: HON’BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Harkirat Singh Bhogal, Advocate for petitioner.
For the petitioner in CRM-M-56745-2022.

Mr. Vivek K. Thakur, Advocate,
For the petitioner in CRM-M-55598-2022.

Mr. Mohit Thakur, AAG, Punjab.

ARUN MONGA, J. (ORAL)

Aggrieved on being declined bail by learned trial court, petitioners seek their release as 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. 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, along with associates, had allegedly coerced the complainant into paying money for his son's release. Subsequently, the accused 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. The accused, namely, Jagtar Singh (owner of the de-

addiction centre), petitioner Sukhwinder Singh alias Sukha Grenade, Baljit Singh, Pavittar Singh and petitioner Ranjit Singh alias PappuBhagwanpuria, were arrested during the investigation. FIR was registered as per version of the complainant. Petitioner-RanjitSingh @ Pappu was arrested as suspect on 07.07.2022 whereas, petitioner Sukhwinder Singh was arrested on 01.07.2022.

3. Learned counsels for petitioners submit that petitioners are neither the owner nor heading or in management of the institution. They were merely employees of principal accused Jagtar Singh, who is running the de-addiction centre. Nothing has been recovered from the petitioners. They were not arrested from the spot. They never contacted the complainant nor made any kind of demand from him. Petitioners have thus been falsely implicated in this case. Neither names of the petitioners are mentioned in the FIR nor any role has been attributed to them.

3.1 They also submit that nothing is to be recovered from the petitioners and they are not required for further custodial interrogation. There is no likelihood of petitioners tampering with evidence and/or influencing prosecution witnesses.

4. On the other hand, learned State counsel opposes the bail petition and submits that petitioners have committed a serious offence. In case, petitioners are granted concession of bail, there are chances of his fleeing from justice. They however, admit that two other cases of similar nature are pending against Ranjit Singh @ Pappu in which he is on production warrants. One case under NDPS Act is also pending against petitioner-Sukhwinder Singh in which he is on 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 Charanjit Singh, submits that challan has been presented. Investigation *qua* the petitioners is complete. They are thus not required for any further custodial interrogation. Allegations against petitioners 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, petitioners have already been in jail for

the last more than 01 year and 01 month, being in custody since 07.07.2022 and 01.07.2022 respectively.

7. Petitioners are being kept in preventive custody merely on an unfounded suspicion that if they are let out, they 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-Ranjit Singh is stated to be 53-year old family person, and in his absence, his family members are living in sheer penury being dependent on him. Whereas, petitioner- Sukhwinder Singh is stated to be 36-year old family person. Being family persons and having fixed abode, it is unlikely that they pose any flight risk and/or will flee from trial proceedings.

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

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

11. In case, petitioners are found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of their bail in the instant case.

12. 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 petitions alone and learned trial Court shall proceed without being influenced with this order.

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

14. A photocopy of this order be placed on the connected case file.

(ARUN MONGA)
JUDGE

29.08.2023

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No