

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Date of decision: 26.07.2023

(1) CRM-M-56132-2022 (O & M)

Nirbah Singh @ Vicky Petitioner

V/s

State of Punjab ...Respondent

(2) CRM-M-56262-2022 (O & M)

Love @ Lovepreet Singh Petitioner

V/s

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr.Malkiat S. Hundal, Advocate,
(in CRM-M-56132-2022).
Mr.H.S. Rakhra, Advocate
(in CRM-M-56262-2022)
for the petitioner(s).

Ms. Ramta Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

This order shall dispose of two criminal miscellaneous petitions
i.e. CRM-M-56132-2022 and CRM-M-56262-2022 as they arise out of the
same FIR.

For the sake of convenience, the facts are being taken from the
petitioner bearing No. CRM-M-56132-2022.

2. The prayer in the present petitions under Section 439 Cr.P.C. is
for the grant of regular bail to the petitioners-Nirbah Singh @ Vicky and

Sections 365, 342, 379-B, 120-B IPC registered at Polcie Station Dhilwan, District Kapurthala.

3. The allegations against the petitioners are that on account of a monetary dispute with one Harwinder Singh @ Hinda, the petitioners Nirbah Singh @ Vicky (in CRM-M-56132-2022) and Love @ Lovepreet Singh (petitioner in CRM-M-56262-2022) alongwith their companion kidnapped the complainant, confined him at the residence of Nirbah Singh @ Vicky and took away his mobile phone alongwith Rs.1100/-.

4. The learned counsels for the petitioners contend that the petitioners have been falsely implicated in the present case on account of the fact that the complainant did not want to repay the money that he owed to one Harwinder Singh @ Hinda. The prosecution version is inherently unbelievable. As the petitioners were in custody since 26.08.2022 and none of the 10 prosecution witnesses had been examined so far, they were entitled to the concession of bail as the trial was not likely to be concluded anytime in the near future.

5. The learned counsel for the State, on the other hand, contends that serious allegations had been levelled against the petitioner of having kidnapped the complainant at the instance of Harwinder Singh @ Hinda, a resident of Malaysia. Therefore, the petitioners were not entitled to the concession of bail. He, however, concedes that both the petitioners were in custody since 26.08.2022 and none of the 10 prosecution witnesses had been examined so far.

6. I have heard the learned counsel for the parties.

7. The veracity of the prosecution case shall be adjudicated upon

26.08.2022 and none of the 10 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioners is not warranted.

8. Thus, without commenting upon the merits of the case, the present petitions are allowed and the petitioners, namely, Nirbah Singh @ Vicky (in CRM-M-56132-2022) and Love @ Lovepreet Singh (in CRM-M-56262-2022), are ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The petitioners shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that they are not involved in any crime/case other than the present one.

10. The petitioners-Nirbah Singh @ Vicky and Love @ Lovepreet Singh (or through someone on their behalf) shall prepare an FDR in the sum of Rs.50,000/- each and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioners from Trial without sufficient cause.

(JASJIT SINGH BEDI)

JUDGE

July 26, 2023

sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No