

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-57013-2022 (O & M)****Date of decision: 20.01.2023**

Gurpreet Singh

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Aditya Sanghi, Advocate, for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.304 dated 10.10.2022 under Sections 147, 149, 323, 342, 365, 387, 458, 120-B and 506 IPC registered at Police Station Kalanwali, District Sirsa, Haryana.

2. The instant FIR came to be registered at the instance of Harbans Singh who stated that his son Sukhraj Singh was a drug addict and had been admitted in the Drug De-addiction Centre Jeewan Singhwala. On the night of 09/10.10.2022 while he was sleeping alone at home, then at about 01.00 a.m., four unknown persons with muffled faces broke into his house, entered his room, kidnapped him and put him in the vehicle in the street. His son Sukhraj Singh and his friend Jagsir Singh and three other persons were also standing at the spot. They stated that a sum of Rs.40,00,000/- was to be recovered from him (complainant). Thereafter they put him in a vehicle, took him towards Dabwali kept on beating him with baseball bats and batons. They took him (complainant) to an abandoned place at Dabwali, blind-folded him, thrashed him and started demanding money forcefully.

They locked him an unknown room but he somehow escaped in the

morning. While he was going towards his house, his relative Makhan Singh met him to whom he narrated the occurrence. Thereafter, he was admitted at a Government Hospital, Kalanwali from where he was referred to a Government Hospital, Sirsa. The motive was that four years ago, his son Sukhraj Singh had solemnized a love marriage against his (complainant's) wishes. His son would frequently demand money from him (complainant) and on not getting the money, he would threaten him (complainant). Now his relatives in connivance with his son had committed the offence in question. He had come to know that Hardeep Singh, Gurpreet Singh (petitioner), Jassa Singh and Manpreet Singh had entered his house in collusion with each other and committed the offence in question.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There is a delay of 18 and a half hours in the registration of the FIR. The occurrence took place at 01.00 a.m. on the intervening night of 09/10.11.2022 and the information was given to the police at about 7.30 p.m., on 10.10.2022. In fact, there was a dispute between the complainant and his son Sukhraj Singh as Sukhraj Singh had contracted a love-marriage against the wishes of the complainant. Since Sukhraj Singh was demanding a share from the complainant, the present story has been concocted to put pressure on Sukhraj Singh through his friends and associates. The petitioner was in custody since 12.10.2022. The report under Section 173 Cr.P.C. had been submitted and none of the 11 prosecution witnesses had been examined so far. Therefore, the petitioner was entitled to the grant of bail, moreso, when he was a first-time offender.

4. The learned counsel for the State, on the other hand, contends that a serious offence has been committed wherein the complainant was

allegations in the FIR did not entitle the petitioner to the grant of bail. He, however, does not dispute the fact that the petitioner is in custody since 12.10.2022, none of the 11 prosecution witnesses had been examined so far and that the petitioner is a first-time offender.

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

6. Admittedly, the challan stands presented in the present case and none of the 11 prosecution witnesses have been examined so far. The petitioner is stated to be a first-time offender. As such, the further incarceration of the petitioner is not required.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Gurpreet Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. The petitioner shall appear on the first Monday of every month before the local police station till the conclusion of the trial and furnish an affidavit each time that he is not involved in any crime other than the present case.

9. In addition, the petitioner (or someone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- 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 petitioner from trial without sufficient cause.

(JASJIT SINGH BEDI)
JUDGE

January 20, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No