

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-60964-2022 (O&M)

Date of Decision: 16.3.2023

Jagsir Singh @ Babbu

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. G.S.Aulakh, Advocate
for the petitioner.

Mr. H.S.Sullar, Sr. DAG, Punjab

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.98 dated 25.6.2022 registered for the offences punishable under Sections 365 IPC (Sections 387, 506, 336, 120-B IPC and Sections 25, 27 of Arms Act added later on) at Police Station Gidderbaha, District Sri Muktsar Sahib.

Counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case at the instance of the complainant and his father and that the name of the petitioner surfaced for the first time on the basis of the statement of the father of the complainant made before the police and thereafter, the petitioner was arrested and is in custody for the last more than 8 months and that during the investigation, nothing was recovered from his possession. He further submits that after completion of investigation, the police has presented the challan but the trial is at its initial

stage and it will take time for the trial to conclude. He further submits that similarly situated co-accused Rajwinder Singh alias Raju is granted benefit of regular bail by this Court vide order dated 6.12.2022 (Annexure P-3). So, prayer is made that the petitioner be released on regular bail.

Present petition is opposed by the State counsel who submits that the petitioner was also part of the conspiracy which was hatched by main accused Rummy. However, the State counsel has not disputed the fact that the petitioner was not named in the FIR and his name surfaced in the statement of the father of the complainant and that the petitioner is in custody for the last more than 8 months and after completion of investigation, the challan has been presented by the police and that co-accused Rajwinder Singh alias Raju from whom the police recovered one pistol and live cartridges is already granted concession of regular bail vide order Annexure P-3.

I have considered the submissions made by the counsel for the parties.

FIR in the present case was registered against co-accused Rummy on the basis of the statement of complainant Varun Garg who alleged that on 24.6.2022, he returned to Gidderbaha and at about 10:30 p.m., he received phone call from aforesaid Rummy who wanted to meet him and again Rummy made phone call to the complainant that he was standing outside his house and asked him to come out and when the complainant went outside his house, Rummy took the complainant along with him in Verna car and then demanded ₹ 10 lakhs or otherwise, to kill him and when the complainant showed his inability to pay such a huge amount, he demanded an amount of ₹ 4 lakhs from him and while moving in

the car, said Rummy fired 3 shots in air and raised demand of the aforesaid amount and in the meantime, the complainant succeeded in getting down from the said car and escaped from the spot.

Admittedly, the petitioner was not named in the FIR and his name appeared for the first time in the statement of the father of the complainant and thereafter, the petitioner was arrested and is in custody for the last more than 8 months and during the investigation, no weapon was recovered from his possession. Admittedly, the challan has been presented by the police after completion of investigation but the case is at its initial stage and it will take time for the trial to complete. Further, co-accused Rajwinder Singh alias Raju who was not named in the FIR and from whom the police recovered one pistol and live cartridges is already released on bail vide order Annexure P-3.

In view of above, this Court is of the view that no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

March 16, 2023
Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No