

1.
CRM-M-3313-2024
Date of decision: 20.03.2024

NIRMALJIT SINGH @ NIRMAL AND ANOTHER
..... Petitioners

versus

STATE OF PUNJAB AND OTHERS
..... Respondents

2.
CRM-M-6006-2024

MANPREET SINGH AND OTHERS
..... Petitioners

versus

STATE OF PUNJAB
..... Respondent

CORAM : HON'BLE MR.JUSTICE KULDEEP TIWARI

Present:- Mr. T.P.S. Bhatti, Advocate
for the petitioners in CRM-M-3313-2024.

Mr. G.S. Bawa, Advocate
for the petitioners in CRM-M-6006-2024.

Mr. Raghav Garg, AAG, Punjab.

Mr. Pankaj Attri, Advocate
for respondent No.2 in CRM-M-3313-2024.

KULDEEP TIWARI, J. (ORAL)

1. Both the petitions are arising out of the same FIR, and the common relief has been sought i.e. the relief of regular bail, therefore, both the petitions are taken up together for their adjudication. In CRM-M-3313-2024, Nirmaljit Singh @ Nirmal Singh and Vishavjeet Singh are the petitioners and in CRM-M-6006-2024 Manpreet Singh, Harmandeep Singh and Sukhpal Singh are the petitioners.

2. Through the instant petitions filed under Section 439 Cr.P.C., prayer is made for grant of regular bail in case FIR No.59 dated 28.10.2023, under Sections 341/362/363/506/34 of IPC, and under Sections 111/112/135 of the Customs Act (under Sections 364/342/120-B of IPC, were added later on), registered at Police Station Airport, District Police Commissionerate Amritsar.

3. The instant FIR has been registered on a secret information received by SHO P.S. Airport Amritsar City, wherein, it was alleged that some persons had forcibly kidnapped one person outside the Radisson Hotel, and put him in a Tata Safari Car, bearing No. CH04A-8825, and one Polo car was also accompanying them, and if they are chased immediately, then the kidnapped person can be saved. Believing this information to be true, a police party was constituted, and thereupon, the vehicle was waylaid. However, the person, who was occupying the Polo car, managed to flee from the spot. Thereupon, the name of the person was disclosed by the occupants of the Tata Safari Car and the kidnapped person, namely, Kuldeep Singh was rescued from the clutches of the accused persons. During investigation, it transpires that one Jaspreet Singh, son of allegedly kidnapped Kuldeep Singh, is indulging in the business of smuggling of gold from Dubai, and said Jaspreet Singh was apprehended from T-Point at Airport Amritsar, wherein, he disclosed that Amritpal Singh, who is a resident of Dubai, has given paste of gold to him as well as Akashdeep Singh, to be smuggled into India from Dubai. The 599 gms of gold paste was recovered from co-accused Akashdeep Singh thereupon, offences under Sections 111/112 and 135 of the Customs Act, were also added and Amritpal Singh was also nominated as co-accused vide GDR No. 50, dated 28.10.2023.

3. On the asking for the relief of regular bail, the learned counsel for the petitioners submits that the main occurrence whatsoever, of kidnapping

never happened, and so far as the smuggling of the gold is concerned, they have no concern as the allegations are levelled against Jaspreet Singh, Amritpal Singh and Akashdeep Singh, who are the non-applicants. He further submits that infact Kuldeep Singh was never kidnapped.

4. At this stage, Mr. Pankaj Attri, Advocate, causes an appearance on behalf of Kuldeep Singh, and his power of attorney is already on record, who has been arrayed as respondent No.2 in CRM-M-3313-2024. He submits that he has never been kidnapped, and rather a false story has been cooked up by the prosecution.

5. On the other hand, learned counsel for the State, vociferously opposed the grant of regular bail to the petitioners, on the ground that they have kidnapped the victim Kuldeep Singh, and he is helping the accused-petitioners only to save his own son, who is co-accused, and *qua* him there are allegations of smuggling of gold.

6. The learned State counsel has filed the custody certificate issued by Mr. Anurag Kumar, Superintendent, Central Jail, Amritsar, and the same is taken on record, which strengthens the arguments of the learned counsel for the petitioners, that the petitioners have suffered incarceration of about 04 months and 21 days as on today, and except Manpreet Singh, who is involved in one more case, no other petitioner is involved in any other criminal case.

7. Learned State counsel on instructions imparted to him by SI Alwinder Pal, further submits that the final report in this case has been filed on dated 27.12.2023, and the prosecution has cited a total of 13 witnesses, and none of them has been examined till date, as the charges are yet to be framed.

8. At this stage, this Court is not considering the veracity of the allegations *qua* the kidnapping of Kuldeep Singh, who infact is being represented by his counsel, and submits that he has never been kidnapped.

Since this aspect is to be adjudicated by the learned trial Court concerned at an appropriate stage, therefore, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioners. Therefore, the present petitions are **allowed**.

9. The petitioners are ordered to be released on bail on furnishing of bail bonds, and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

10. However, anything observed here-in-above shall have no effect on the merits of the case, and is only meant for deciding the present petitions.

(KULDEEP TIWARI)
JUDGE

20.03.2024
Anu

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No