



CRM-M-5466-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(212)

CRM-M-5466-2024

Date of decision:- 17.07.2024

Navjeet Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Manpreet Ghuman, Advocate
for the petitioner.

Mr. Anil Bansal, DAG, Punjab
for State-respondent.

SUVIR SEHGAL, J. (ORAL)

1. This is the second petition filed under Section 439, Cr.P.C.
seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
371	27.12.2022	City Kharar, District S.A.S. Nagar, Mohali	452, 384, 506, 148, 149 and 120-B, IPC

2. Version of the prosecution is that FIR, Annexure P-1, has been registered on the statement of Nitin Nagpal stating that he is running a project by the name of “Sukhmani Enclave” in village Chajjumajra, Kharar. On 27.11.2022, when he went to the site, six persons in a black Mercedes car stopped him and threatened him. They demanding an amount of Rs.2 crores from him. On 12.12.2022, when his partner, Naveen Kumar, went to the office, he saw that 5 to 6 persons had forcibly entered the office and one

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of them was occupying his chair. When Naveen Kumar objected, one of the accused identified himself as Gola Rai Kotia and enquired about the complainant. Gola Rai Kotia took out a pistol and threatened him that in case the amount is not paid, they will eliminate him. On 23.12.2022, complainant received a threatening call from an unknown number. He filed a complaint requesting for action against Gola Rai Kotia and his unknown accomplices.

3. Counsel for the petitioner submits that the petitioner has been falsely implicated as he was in custody in some other case when the incidents are alleged to have taken place. She submits that the petitioner is a colonizer and has been named as an accused in a number of criminal cases lodged against him for offences under Section 406, 420 and Punjab Apartment & Property Regulation Act, 1995 and he is in the process of settling all the cases. By making a reference to the affidavit, Annexure P-3, she submits that the complainant has entered into a compromise with the co-accused, who have been released on bail. She submits that in view of the long custody of the petitioner since January, 2023, he deserves to be temporarily released.

4. *Per contra*, State counsel, upon instructions from SI, Dilbagh Singh, has opposed the petition by inviting the attention to the list of FIRs, Annexure P-6, pending against the petitioner. On a specific query, he could not point out any specific allegation against the petitioner and submits that the petitioner was arraigned on the basis of the statement of the co-accused. As per his instructions, no prosecution witness has been examined.



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5. Having heard counsel for the parties and considering their respective submissions, but without examining them on merits, this Court is *prima-facie* of the view that the petitioner deserves to be released on bail. The offences alleged against the petitioner are triable by the Court of Magistrate. There is no allegation that he is a flight risk or that he is likely to influence the witnesses. Moreover, co-accused have been released on bail on the basis of a settlement, Annexure P-3, arrived at with the complainant.
6. Petition is allowed.
7. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.
8. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

17.07.2024

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No