



CRM-M-8006-2024

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

(1) CRM-M-8006-2024

Bhupinder Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

(2) CRM-M-20460-2024

Sukhwinder Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

Date of Decision: 12.09.2024**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Ms. Neha Shukla, Advocate for the petitioner
in CRM-M-8006-2024.
Mr. Ashok Bhardwaj, Advocate for the petitioner
in CRM-M-20460-2024.
Mr.J.S. Arora, DAG, Punjab.

Rajesh Bhardwaj, J.

1. This common order will dispose of both the above-mentioned petitions as both the petitions have arisen out of same FIR.
2. Petitioners have approached this Court by way of present second petitions praying for granting them regular bail in a case FIR No.64 dated 22.03.2022, under Sections 365, 342, 323, 406, 420, 506 IPC and Section 13 of Punjab Prevention of Human Smuggling Act, 2012, registered at Police Station Samana, District Patiala.
3. Succinctly, facts of the case are that the complainant, namely, Udhampreet Singh and Navjot Singh lodged the complaint with the Police against accused, namely, (1) Romi (2) Mandeep Singh (3) Pali @ Pali Sidhu



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(4) Sandeep Singh (5) Happy (6) Bhupinder Singh (petitioner in CRM-M-8006-2024) (7) Raikot (8) Sukhwinder Singh (petitioner in CRM-M-20460-2024) and others. It was alleged in the complaint that the complainants met Sukhiwnder Singh and Sukhchain Singh about a year back and talked regarding sending them to Canada. They received phone call and made them to talk to Pali @ Sidhu. Thereafter, they remained in conversation with Sandeep Gill and Romi. They were told that they would be sent as News Reporters by one news company. On 16.01.2022, they received a call that work for going Canada has been done. On 18.01.2022, Sukhwinder Singh and Sandeep Singh and one unidentified girl and Romi reached their home to take them. They were lodged in a Hotel at Paharganj, Delhi. Both the complainants took Rs.3,00,000/- lacs each from their families as it was agreed that after reaching Delhi, Canadian dollar of equivalent to that amount would be handed over to them. However, on reaching Delhi, they were clandestinely kidnapped by the accused and were tortured. They were made to talk to their families by video call and Rs.27 lacs each were demanded from their families. Their families were made to believe that both of them have reached Canada, however, their families were informed that the complainants could not come on phone as they were quarantined. The accused went to the house of complainant Udhampreet Singh to take payment of Rs.27 lacs and his family was promised that by 30.01.2022, their son would be released. Being afraid, his family paid Rs.27 lacs in cash, however, despite this complainant Udhampreet Singh was not released. Accused Sidhu, Sukhiwnder, Sandeep, Happy alongwith sister and Jija of Sidhu and his father went to the house of complainant Navjot Singh as well



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for collecting Rs.27 lacs. Thereafter, they lost their consciousness and found themselves at the house of one Sardar Family. They were told that on 05.02.2022, they found the complainant at railway track and brought to their house. With their help, the complainants reached Gurudwara Sahib, Sis Ganj, from where they contacted their families and returned back to their home. It was prayed that strict legal action be taken against all the accused. On the basis of the complaint, the FIR was lodged and the investigation commenced. Both the petitioners were arrested on 25.11.2022 and 15.04.2022, respectively. Both the petitioner, namely, Bhupinder Singh and Sukhwinder Singh approached the Court of learned Additional Judge, Patiala praying for grant of regular bail, however, finding no merit in the petitions filed, learned Court declined the same vide orders dated 30.01.2023 and 13.07.2022, respectively. Thereafter, petitioner-Bhupinder Singh approached this Court by way of filing CRM-M-11620-2023, which was dismissed as not pressed vide order dated 25.05.2023 and that of petitioner-Sukhwinder Singh filed CRM-M-50942-2022, which was dismissed on merits vide order dated 20.03.2023. Hence, both the petitioners are before this Court by way of filing the present second petitions praying for grant of regular bail.

3. It has been submitted by counsel for petitioner -Bhupinder Singh that the petitioner has been falsely implicated in the present case. She submits that only allegations against the petitioner is that he visited the house of the complainant alongwith the co-accused. Besides this, there is no other allegations qua the petitioner. She submits that the petitioner is behind bars from the last more than two years and thus, he deserves to be granted



bail.

4. Learned counsel for petitioner -Sukhinwer Singh has also submitted that the petitioner is behind bars from the last more than two years and there is no substantial progress in the trial. He further submits that main allegations are against co-accused Pali, who is already abroad. He submits that the petitioner has no criminal antecedents and thus, in these circumstances, he deserves to be granted bail.

5. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioners. He has submitted that the petitioners have committed serious offence. He has drawn the attention of this Court to the status report filed and has submitted that a thorough enquiry has been conducted and complicity of both the petitioners has been duly established. It is submitted that the complainants were kidnapped by the accused and thereafter, were tortured and they were duped with heavy amount of Rs.60 lacs. It has been submitted that so far the challan has been presented only against three of the accused i.e. the both the petitioners and Sandeep Singh, whereas, remaining accused, namely, Pali @ Sidhu, Romi @ Harmandeep Singh and Manjinder Kaur, are yet to be arrested and PO proceedings have been initiated against these accused. It is also submitted that out of 34 prosecution witnesses, 17 witnesses have been examined and 01 witness is given up. He has submitted that granting bail to the petitioners would scuttle the on going investigation qua the rest of the accused against whom PO proceedings have been initiated.

6. Heard.

7. After hearing counsel for the parties and perusing the record, it is apparent that these are the second petitions filed by the petitioners. The



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allegations made by the complainants are specific. Involvement of both the petitioners alongwith co-accused has been established during the investigation as well. So far three accused are yet to be arrested and PO proceedings have been initiated against them. All the accused in conspiracy with each other have kidnapped the complainants. Families of both the complainants were compelled to part with a heavy amount for their release. In view of the facts and circumstances of the case, this Court finds no ground to take a lenient view in favour of the petitioners. Granting bail to the petitioners would definitely prejudiced the on going trial as well as the investigation pending against the other accused, who are yet to be arrested.

8. Thus, the present petitions being devoid of any merits are hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

12.09.2024

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Whether Speaking/Reasoned :
Whether Reportable :

Yes/No
Yes/No