

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

236

CRM-M-12219-2024
Date of decision : 14.03.2024

Rajan Singh @ Raja Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Sukhbir Maandi, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.117 dated 26.04.2023, registered for the offences punishable under Sections 307, 365, 452, 379-B(2), 148, 149 and 506 of IPC, 1860 (Sections 323 and 325 of IPC, 1860 added later on) and Sections 25 and 27 of Arms Act, 1959 at Police Station Division B, District Police Commissionerate Amritsar.
2. FIR was registered on the information supplied by one Gautam Bhatti son of Vaishno Onkar, alleging as under:-

“Stated that I am resident of above mentioned address and is running a Hotel on lease namely Gopal Inn at Mahna Singh Road. On 25-04-2023, at about 11:50 PM, I was present in Hotel Gopal Inn, when two persons came into my hotel after parking Splendor motorcycle outside the hotel and didn't talk to me and went outside upon seeing me. On 26-

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04-2023, the said two persons again came on motorcycle at about 12-10 AM to 12-15 AM and came inside after parking the motorcycle outside and behind them, a white color Verna car bearing registration No.PB46-AF-9587 stopped in front of my hotel, out of which, 5-6 persons duly armed with weapons came inside. I was sitting in the room behind the ground floor of the hotel, who upon coming, started giving me slaps and took me outside. One of them also pointed out pistol upon my forehead and threw me in the Verna car parked outside. To terrorize, they also opened fires in the air with their weapons. They kidnapped me with an intention to kill and took towards Tarn Taran side. I was given beatings near Tarn Taran and the video of giving beatings to me was also prepared. I was given blows upon my head with handles of weapons and also attributed several injuries and after attributing injuries to me, threw me near Tarn Taran-Amritsar bypass and threatened me that if you inform to the police station then you will also be shoot out. When they were just beating me, then the gold chain in my neck along with locket and a gold ring, gold Challa, receipt of my hotel, an amount of Rs.50,000/- of my committee and a titan watch were also snatched. I made a request to an auto rickshaw coming from behind to drop me near Amritsar Bypass. Thereafter, I made a phone call to my father Vaishno Onkar from the mobile of auto driver to the effect that I have been beaten and thrown away. At present, I am near Golden Gate. Upon which, my father and brother Kunal brought me to you. The cause of enmity is that on 14-04-2023, two men comprising one Manga and Love came to my hotel to take a room without any id

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proof. But I didn't give the room without any id proof, who had threatened me that we will see you. I can recognize the other persons on coming before me. I am the claimant. Take action.”

3. Counsel for the petitioner submits that the allegation against the petitioner is of having fired in the air. Further relies upon the order dated 24.01.2024 passed in CRM-M-2668-2024, wherein co-accused Lovekiran Singh @ Lovekaran Singh @ Manga has been granted regular bail, observing as under:-

“XX XX XX

Apart from that he submits that Sajan Singh and Arshdeep Singh @ Malhi stand admitted to bail by this Court vide order dated 28.11.2023 passed in CRM-M-40758-2023 observing as under :-

“4. The prosecution claims that the reiki of the place was conducted by one Priya. They further claim that they received a secret information w.r.t. involvement of Sajan Singh in the occurrence. Sajan Singh on the basis of the said secret information was arrested who suffered disclosure and on the basis of the said disclosure the offence further travelled to the door of Arshdeep Singh @ Malli. It has been further contended by the State Counsel that both the accused were identified by the complainant after having been produced before the concerned Magistrate.

5. Mr. Aggarwal submits that so far as petitioner Arshdeep Singh @ Malli is concerned the complainant himself has executed affidavit exculpating him in clear terms stating that Arshdeep Singh @ Malli was not involved in the crime.

6. Counsel appearing for the complainant admits that aforesaid fact w.r.t. execution of affidavit by the complainant.

7. So far as petitioner Sajan Singh is concerned, there is no dissemination of the source from where the secret information was received thus his disclosure that too

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while in police custody alone is a weak piece of evidence. Both the petitioners are behind bars from last more than 7 months (Sajan Singh) and 6 months & 9 days (Arshdeep Singh @ Malli). Investigation already stands concluded and challan stands presented.

8. After hearing rival contentions of the parties and after going through records of the case, without commenting on the merits thereof, keeping in view the incarceration already suffered by the petitioners and the fact that the investigation already stands concluded and Challan stands presented, the present petitions are allowed. The petitioners are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.”

4 Custody certificate has been filed. The same is taken on record. As per the custody certificate, the petitioner is behind bars for more than 8 months & 11 days. Challan stands presented.

5 Learned State counsel on instructions from is not in a position to dispute the aforementioned factual assertions based on record.

6 I have heard learned counsel for the parties and have gone through the records of the case.

7 Without commenting on the merits of the case and considering the incarceration suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

8 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.”

4. State counsel does not dispute the aforesaid factual assertions.

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5. Keeping in view the parity and the incarceration already suffered by the petitioner, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

14.03.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No