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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-18785 of 2023
CRM-M-23622 of 2023
Date of decision:- 07.02.2024

1.

CRM-M-18785 of 2023

BUNTY

... Petitioner
- Versus
- STATE OF PUNJAB

... Respondent
2.

CRM-M-23622 of 2023

KUNAL SHARMA

... Petitioner
- Versus
- STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Vaibhav Narang, Advocate
for the petitioner in CRM-M-18785 of 2023.

Mr. Kushagra Mahajan, Advocate
for the petitioner in CRM-M- 23622 of 20232.

Mr. Sarabjit Singh Cheema, DAG, Punjab

SANJIV BERRY, J. (ORAL)

1.

Learned counsel for the State filed custody certificates dated 06.02.2024 in both the cases, the same are taken on record. Copy thereof, has been supplied to the counsel opposites.
2.

Both the petitions arising out of the same FIR for grant of

regular bail has been taken up together for disposal.

3. The instant petitions have been preferred by the petitioners under Section 439 of the Code of Criminal Procedure for grant of regular in the following case:-

FIR No.	Dated	Sections	Police Station
0317	09.12.2022	384, 386, 506, 511 IPC	Jandiala, District Amritsar Rural,

4. Heard.

5. It is *inter alia* contended by learned counsels for the petitioner(s) that the petitioners are innocent and have been falsely implicated in this case. They contend that the petitioners have no role to play in the alleged crime and have been nominated, on the statement of one Jobanjit Singh who alleged to have bought the SIM of the mobile from petitioner Kunal on his identity proof and got the same activated. They submit that as per the case of the prosecution said Jobanjit Singh had made extortion call using that SIM number. The only allegation against petitioner Bunty is that he had also sent Whatsapp messages to one Savardas Goyal regarding which he was arrested in another case FIR No. 92 dated 27.11.2022 P.S. Harike, Tarn Taran. They contend that the challan has already been presented in Court and petitioners are not required for further investigation and they were arrested in this case on production warrants on the basis of alleged disclosure statement and no recovery has been effected from them, hence they pray for grant of concession of bail to the petitioners.

6. Learned State counsel has prayed for dismissal of the petition considering the serious nature and gravity of offence, however, the factual

matrix of the case is not disputed. He submits that 9 witnesses have been cited by the prosecution but none of them have been examined till date.

7. After considering the rival contentions and perusing the record, it transpires that instant case was registered on the application moved by the complainant claiming that he is running cloth shop and he had been receiving ransom calls from Landa Harike and Satnam @ Satta. Few days ago, Landa Harike had fired shots upon the complainant and his family members but they were saved. During course of investigation the aforesaid petitioners were arrested in this case on production warrants as they were already arrested in case FIR No.92 dated 27.11.2022, Police Station Harike, Tarn Taran. Admittedly, no recovery was effected from the petitioners and they have been nominated on the basis of disclosure statement made by co-accused Jobanjit Singh who is alleged to have given extortion calls. The allegation against petitioner Kunal is of simply activating the SIM card on the identity proof give by Jobanjit Singh, no specific overt act has been attributed to the petitioner and the challan having been presented in Court for trial, the petitioners are not required for further investigation, petitioner Bunty and Kunal are in custody since 20.12.2022 and 09.11.2022 respectively, conclusion of trial to ascertain criminal liability, if any, on the petitioners will take sufficient long time and no useful purpose would be served by keeping them behind bars any longer.

8. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioners behind bars. Therefore, the present petitions are allowed. The petitioners are ordered to be

released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

07.02.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No