

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

221

CRM-M-20346-2024
Date of decision: 01.05.2024

SUBEG SINGH @ SONU

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms. Harleen Kaur, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.214, dated 04.12.2023, under Sections 365, 342, 186, 353, 332, 148, 149, 379,120-B of the IPC and under Section 21 of Mines and Minerals (Development and Regulation) Act, 1957, registered at Police Station City Jalalabad.
2. The prosecution agency was set into motion on a complaint made by one Kailash Dhaka, JE-cum-Inspector-Mining, Sub Division, Jalalabad, alleging therein that he was abducted and assaulted while he was performing his official duty. The gist of the FIR reads as under:-

Statement given by Kailash Daka So Shailender Singh that I am resident of the above address and is currently working as JE cum Inspector Mining sub division Jalalabad. Today on 04-12-2023, I was going on my motorcycle to village Jhand wala for inspecting the work of repair of canal. Then around 11:30 AM when I reached near Nursery Shri Mukatsar Sahib road village Chak Sadha I saw on the

link road a tractor swaraj with trolley attached which was filled with sand was coming. When I tried to stop it then driver Babbi resident of Rum wala had increased the speed of the tractor and tried to escape and when I tried to stop him, he rammed his tractor in my motorcycle and kept speeding up the tractor trolley in order to escape. After that I started recording his video in my phone then the driver Babbi rang up and called another person there. When I reached near BSF sector Phalian wala then an unknown person hit my motorcycle and I had fallen on the road. However, I stood up and started chasing the tractor trolley again. Thereafter driver Babbi then took the sand filled tractor trolley into west side of peripheral road in village Chhota Phalian wala into a structure (Nohre) and thereafter he had locked the gate from inside. Then Babbi and Gurmel Singh S/o Surjeet Singh above named accused along with his family members i.e. his mother, brother, wife etc thus Babbi and Gurmej Singh including 4 other men and 3 other women, entered and I also stopped my motorcycle on the peripheral road and then they all surrounded me and started beating me and took me to their house and had gave beating to me. They also took my mobile and deleted the video which I had earlier recorded and they also took my motorcycle to their house. Then an unknown person took my phone and started destroying it. Then I said that I am a government employee and legal action will be taken against all of you it is then they had stopped beating me and I forcefully tried to escape from that house and came out in street. Then I had called up JE Malkit Singh on phone number 7888801986 and told him about the above incident. Thereafter I took my motorcycle from the house of the above accused persons. While I was taking my motorcycle the above mentioned accused Gurmej started recording my video and he started saying that I am some unknown person who is demanding money from them in lieu of mining. He recorded this video to ditch the legal authorities. Thereafter I took my motorcycle and went straight to Civil Hospital Jalalabad where I was admitted and there I had given my statement. SD/- Kailash Daka JE cum Mining Inspector.

3. In asking for the relief (*supra*), learned counsel for the petitioner submits that the petitioner is behind bars since last more than 4 months, and the petitioner is on the similar footing as that of Gurmej Singh, who has already been extended the benefit of regular bail by this Court, in CRM-M-1591-2024, vide order dated 22.04.2024.

4. He further submits that the trial has only reached the midway, therefore, the conclusion of the same will take a long time.

5. *Per contra*, the learned State counsel opposes the asked for relief of grant of regular bail, and has placed on record a custody certificate *qua* the petitioner, which is taken on record, and, it reflects that the petitioner has suffered incarceration of 4 months and 25 days as on today, and, he is not involved in any other criminal case.

6. He further, on instructions imparted to him by the official concerned, submits that the charges were framed way back on dated 13.02.2024, and out of total 12 prosecution witnesses cited by the prosecution, 7 have already been examined.

7. Be that as it may be, considering the fact that petitioner is on the similar footing as that of Gurmej Singh, who has already been extended the benefit of regular bail by this Court, in CRM-M-1591-2024, vide order dated 22.04.2024, and also considering the role of the present petitioner and the period of incarceration suffered by him, i.e. 4 months and 25 days, as on today, and the stage of the trial, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail, on furnishing of bail bond and surety bond to the

satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

8. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

01.05.2024
amandeep

(KULDEEP TIWARI)
JUDGE

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