

208(2)

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-23900 of 2023
CRM-M-31829 of 2023
Date of decision:- 12.01.2024

1.

CRM-M-23900 of 2023

KULDEEP KAUR

... Petitioner
- Versus
- STATE OF PUNJAB

... Respondent
2.

CRM-M-31829 of 2023

SARWAN SINGH

... Petitioner
- Versus
- STATE OF PUNJAB

... Respondent

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

Present:- Mr. Harsh Aggarwal, Advocate
for the petitioners.

Mr. Harpreet Singh, Addl. AG, Punjab.

SANJIV BERRY, J. (ORAL)

1. Both the petitions arising out of the same FIR for grant of regular bail has been taken up together for disposal.
2. 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 (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
0035	22.03.2023	386, 387, 506, 120-B of IPC	City Nakodar, District Jalandhar Rural.

3. Heard.
4. It is *inter alia* contended by learned counsels for the petitioner(s) that the petitioners are innocent and have been falsely roped in the present case at the instance of Amandeep Singh Purewal who happens to be their son-in-law having strained relations with their daughter and who have since been granted decree of divorce. He contends that the daughter of petitioners was married to Amandeep Singh Purewal and was having matrimonial discord since 2018 and ultimately decree was granted dissolving their marriage on 31.03.2023. He contends that infact the petitioners were not named in the FIR and the FIR was registered against the aforesaid Amandeep Singh Purewal and one Swaran Singh of having given extortion call to the complainant and the said amount was received by one Tarsem Singh @ Sethi through Atul Nanda. He submits that it was during the alleged disclosure statement made by said Tarsem Singh that the petitioners have been named (Annexure P-4). Although they have no concern whatsoever with the said transactions or for that matter with Amandeep Singh Purewal who was having strained relations with them. He contends that petitioners are in custody since 24.03.2023 and no recovery has been effected from them and the challan has been presented in the present case triable by the Court of Magistrate, hence he prayed for grant of

concession of bail to the petitioners.

5. *Per contra* learned State counsel has opposed the bail petitions by arguing that the petitioners have been named by Tarsem Singh (co-accused) who had through his employee collected the extortion money from the complainant. He however admitted that no recovery had been effected from the petitioners and that the challan has already been presented in Court, where in 15 witnesses cited by the prosecution and none has been examined till date.

6. As per the case of the prosecution on the basis of secret information FIR was registered against Amandeep Singh Purewal and his accomplice Sarwan Singh residing in United States of America for making ransom calls claiming that he had demanded ₹40 lacs from one Iqbal Singh and on the asking of Amandeep Singh Purewal one Tarsem Singh @ Sethi through his employee Atul Nanda had received ₹25 lacs from the said Iqbal Singh. During his disclosure statement recorded on the second time on 24.03.2023 the present petitioners were named by Tarsem Singh and they were arrested.

7. From the documents on record it is evident that the petitioners happens to be the parents-in-laws of accused Amandeep Singh Purewal and it is also fact that he had matrimonial discord with the daughter of the petitioners since 2018 and ultimately decree of divorce was granted on 31.03.2023 from the competent Court of United States of America. Petitioners were not named in the FIR and their names surfaced on the disclosure statement of co-accused Tarsem Singh from whom recovery has

been effected. Challan has been presented in Court triable by Magistrate and admittedly out of the 15 witnesses cited by the prosecution no witness has yet been examined, the 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

12.01.2024

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