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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-23814-2024 (O&M)
Date of Decision:- 05.12.2024

TARSEM SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Dr. Puneet Kaur Sekhon, Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
35	22.03.2023	386, 387, 506 and 120-B IPC	City Nakodar, District Jalandhar

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner is in custody since 22.03.2023 and allegation against the petitioner, as per the FIR, is that consequent upon an extortion call, the complainant Iqbal Singh has handed over ₹25 lakhs to the petitioner. She further contends that after the completion of investigation, challan has been presented in Court and during the course of trial, the



complainant-Iqbal Singh and his wife Kamaldeep Kaur have been examined as PW-1 and PW-2 respectively and they have not lent any support to the case of prosecution and have given a clean chit to the present petitioner. She refers to their statements recorded before the trial Court, which are annexed with the short reply filed by the State dated 13.11.2024 as Annexures R/1 and R/2. Thus, prays for grant of bail to the petitioner.

3. *Per contra*, learned State counsel on instructions from the Investigating Officer of the case has contended that the allegation against the petitioner is that he had received ₹25 lakhs from complainant-Iqbal Singh, consequent upon an extortion call so received by the complainant. He has, however, admitted that during the course of trial, complainant-Iqbal Singh while appearing as PW1 and his wife Kamaldeep Kaur appearing as PW2, have given clean chit to the petitioner by turning hostile. He contends that the petitioner has tried to influence the witnesses, as such, he is not entitled to the concession of bail.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it is observed that the petitioner along with other accused were nominated at the instance of complainant-Iqbal Singh to the effect that he had received an extortion call and on that basis he had given ₹25 lakhs to the present petitioner. After the registration of FIR, investigation was carried out and the petitioner was arrested on 22.03.2023 and thereafter challan was presented in the Court of Magistrate for trial. During the course of trial, the prosecution examined the complainant-Iqbal Singh and his wife Kamaldeep



Kaur as PW-1 and PW-2 respectively and both the witnesses have turned hostile. In fact, the allegation as per the prosecution had been that Iqbal Singh had given ₹25 lakhs to the petitioner in pursuance to an extortion call but during his testimony in the Court, he had denied all these allegations and submitted that he does not identify the present petitioner in Court. Similar is the testimony of PW2-Kamaldeep Kaur. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate 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.

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

8. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

05.12.2024
S.Sharma(syr)

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