



In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-47831-2024 (O&M)
Date of Decision:-27.9.2024

Mantosh Kumar ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. G.S. Punia, Senior Advocate with
Ms. Manleen Kaur, Advocate for the petitioner.

Mr. Manmeet Singh Teji, AAG, Punjab.

FIR No.	Dated	Police Station	Section/s
140	18.11.2023	Basti Jodhewal, District Ludhiana	364-A, 379-B(2), 148, 149 of Indian Penal Code and Sections 25, 54, 59 of Arms Act, 1959, wherein offence under Section 307 IPC was added later on

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The FIR was lodged at the instance of Sambhav Jain, wherein it is alleged that on 17.11.2023, when he was returning home on his Kia Seltos car bearing registration No.PB-10-JG-9911, he was intercepted by one motorcyclist. It is alleged that while he was conversing with the said motorcyclist, four persons with muffled faces came there and started giving



beatings to him and forced into his car on the rear seat and started driving the car. It is alleged that one of them was carrying a pistol who fired a shot at him on his left thigh. After sometime, the complainant was forced to make a call to his wife so as to direct her to get cash amounting to Rs.5 Crores and also gold ornaments and to come to Pavillion Mall, failing which he would be killed. The complainant alleged that he was taken to several places. However, later when the said persons realized that they were being followed, the complainant was thrown out of the car. The complainant further stated therein that the said persons were addressing each other as Mohit and Ravi.

3. It is further the case of prosecution that subsequently i.e. 26.11.2023 the complainant made a supplementary statement naming Aditya Sharma, Mandeep Kumar, Premjeet Kumar, Mantosh Kumar (petitioner), Jatin Singh, Sanjeev and Saurya Tiwari also as accused.
4. Learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and came to be nominated subsequently after about 10 days of the occurrence without there being any explanation as to how the complainant came to know about his name. Learned counsel further submitted that while in the FIR there is reference to one motorcyclist and four more persons, but in the supplementary statement, the complainant has named 7 more persons apart from the two persons originally named in the FIR. It has been submitted that the petitioner has been behind bars since the last about 9 months and 23 days and that as on date none out of the cited 16 PWs has been examined. It has also been informed that identically situated co-accused Premjit Kumar has already been granted bail by this Court vide order dated 24.9.2024 passed in CRM-M-46525-2024.



5. Opposing the petition, learned State counsel submitted that since the petitioner came to be nominated in the supplementary statement and serious allegations of demand of ransom have been levelled, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 9 months and 23 days and that none out of the cited 16 PWs has been examined till date. It has also been informed that the petitioner is not involved in any other case.
6. This Court has considered rival submissions addressed before this Court.
7. Having regard to the long custody of the petitioner and also that he is not involved in any other case and that the trial has not even commenced till date inasmuch none out of the cited 16 PWs has been examined so far and also that identically situated co-accused Premjit Kumar has already been granted bail by this Court vide order dated 24.9.2024 passed in CRM-M-46525-2024, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to consume time.
8. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

27.9.2024
Geeta/P

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No