

2024.PHHC:171064



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55712-2024
Date of Decision: 19.12.2024

LOVEPREET SINGH @ PREET

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Karanjeet Singh Brar, Advocate,
for the petitioner

Ms. Avneet, 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.38, dated 02.04.2024, under Sections 364-A, 34 and 120-B of the IPC, 1860, registered at Police Station Civil Lines, District Amritsar.

2. On the statement of one Mohit Garg, the instant FIR has been registered. The relevant extract reads as under :-

“Stated that I am resident of above mentioned address. We are three brothers and sister. My elder sister Nishu Garg is married. I am younger to her. Sahil Garg is my youngest brother, who is aged about 27 years and is still bachelor. We have a shop under the name of Garg Trading Company, situated in Sirki Bazaar Bathinda. My brother Sahil Garg is working at the shop at Sirki Bazaar Bathinda and he is doing finance work along with it. Yesterday on 01.04.2024,

time was about 1.30 p.m., he went out of house on his Activa Scooter, Colour Gray, No.PB-03BN-6164, however, he did not tell any member of family that where he was going. As my brother was not returned home, so at about 4 p.m. I called my brother Sahil Garg on his mobile No.94630-87848 from my mobile number and the mobile phone of my brother was switched off. I enquired about my brother Sahil from his friends, who said that they had not talk to Sahil. Again at about 6 p.m. when I was present on Bhatti Road, Bathinda, in search of my brother Sahil Garg, then I received a whatsapp call from Mobile No.94630-87848 of my brother on my mobile no.7888635203 and my brother said to me that he is struck somewhere and arrange 40 boxes/money. He cut the phone by only saying this. Then my brother again called whatsapp call after about 1 minute from his above number to my above number and my brother told me that this fact should not be made aware to anyone, otherwise, these persons can harm me and again call was cut and phone was switched off. Thereafter the other family members of my family and friends of Sahil, received calls on their mobile numbers regarding above mentioned matter. I and my family members searched a lot of my brother Sahil, but till date he has not been traced. Now I am sure that my brother Sahil Garg has been abducted by some unknown persons and they are demanding money.”

3. During the investigation, the present petitioner got recovered an amount of Rs.3.00 lakhs as well as one knife, which was alleged to be used in the commission of the alleged crime.

4. In asking for the relief (*supra*), learned counsel for the petitioner, submits that the co-accused-Mohinder Singh alias Gora, who is on co-equal pedestal, has already been granted the relief of regular bail by the learned Additional Sessions Judge, Bathinda, itself, vide order dated 17.12.2024, whereas the main accused-Kirna, has been extended the relief of regular bail by this Court, vide order dated 29.10.2024 (Annexure P-2).

5. He further submits that the petitioner has suffered incarceration of more than 8 months as on today, and he is a man of clean antecedents.

6. He also submits that it is a case of no injury, rather there was a money dispute between the present complainant and the petitioner. 7.

He, in addition, submits that the veracity of the allegations is yet to be established by the prosecution by leading cogent evidence before the learned trial court concerned.

8. He also undertakes before this Court that in case the petitioner is granted the relief of regular bail, he shall not extend any threat to the prosecution witnesses, or cause any impediment in the trial court proceedings.

9. He over and above submits that the conclusion of the trial would take a long time as, the charges have not been framed till date, and the prosecution has cited total 22 witnesses in the final report.

10. On the other hand, learned State counsel vociferously opposed the asked for relief (*supra*), and submits that the present petitioner, alongwith main accused-Kirna, had kidnapped the victim Sahil Garg, and thereupon, demanded a ransome amount. Upon the disclosure statement, the present petitioner not only got recovered the ransome amount, but also the weapon, which was used in the commission of the instant crime.

11. She has also filed a custody certificate *qua* the petitioner, today in court, the same is taken on record, which reflects that the petitioner has suffered incarceration of 08 months and 10 days, as on today, and he is not involved in any other criminal case.

12. She further submits, on instructions imparted to her by the police official concerned, that the chargesheet in the FIR (*supra*), has already been filed by the prosecution agency, but the charges are yet not framed against the present petitioner. In the final report the prosecution has cited total 22 witnesses.

13. Be that as it may be, considering the fact that: **(i) the petitioner has suffered incarceration of 8 months and 10 days, as on today; (ii) the co-accused-Kirna and Maninder Singh alias Gora, have already extended the relief of regular bail by this Court and learned Additional Sessions concerned respectively, vide orders (*supra*); (iii) the final report has already been filed, and the charges have yet not been framed; (iv) trial is not likely to conclude anytime soon; (v) no fruitful purpose would be served by keeping the petitioner behind the bars**, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner, during the pendency of trial. 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.

14. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as is involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court.

15. 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.
16. All pending application(s), if any, also stand **disposed** of accordingly.

December 19, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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