



CRM-M-61990-20231

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Date of decision : August 14, 2024

1. CRM-M-61990-2023
- Arjan Singh.....Petitioner
- State of Punjab.....Respondent
- VERSUS
2. CRM-M-33424-2024
- Surinder Singh @ Sharry.....Petitioner
- State of Punjab.....Respondent
- VERSUS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Amaninder Singh Sekhon, Advocate for
petitioner-Arjan Singh

Mr. Sandeep Kumar Bokolia, Advocate for
petitioner-Surinder Singh alias Sharry

Mr. Pardeep Bajaj, DAG, Punjab

KULDEEP TIWARI,J. (ORAL)

1. Both these petitions are amenable to be decided together as common relief i.e. seeking regular bail in a common FIR i.e. FIR No. 178 dated 11.10.2023, under Sections 384, 436, 427, 120-B IPC registered at Police Station Kotkapura, District Faridkot, has been sought, therefore, both the petitions are taken together for decision.

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2. The instant FIR has been registered on the basis of a secret information to the extent that on 8.10.2023 at about 11.30 PM, a liquor vend situated in front of the gate of Grain Market at Moga Road, Kotkapura was set on ablaze by some miscreants with the motive to extort ransom from the owner of the vend. On the basis of the information (*supra*), the instant FIR has been registered for the offences punishable under Sections 384, 436, 427, 120-B IPC. The investigation was commenced thereupon, and on dated 14.10.2023, on the basis of some information received by Inspector/SHO Tarlochan Singh, Satnam Singh alias Sunny and Arjan Singh (present petitioner) were nominated as accused vide DDR No. 44 dated 14.10.2023. Thereupon, Arjan Singh was arrested, and he suffered a disclosure statement under Section 27 of the Evidence Act, to the extent that he in connivance with one Vicky Kumar, son of Ram Singh resident of Kotkapura, now living in Malaysia, hatched a conspiracy on Whatsapp call, and conceived an idea to extort money from the vend contractors by putting them in fear, and for this purpose, they set the vend on fire. In the instant case prosecution has arrayed as many as 11 accused, and out of these 11 accused, 7 accused have already been arrested, and 5 accused have been granted the relief of regular bail, whereas, 4 accused have been declared as proclaimed persons, and some of

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the accused are still on run.

***SUBMISSIONS MADE BY LEARNED COUNSEL
FOR THE PETITIONERS***

3. Learned counsel for the petitioners, in asking for the relief of regular bail, submit that there is a considerable delay in lodging the FIR. As per the secret information, the incident occurred on 8.10.2023, whereas, the instant FIR was registered only on 11.10.2023. Here is the case where even the owner of the vend has not come forward to get his statement recorded, and there is a chance of concoction in the version of the FIR. They further submit that except the disclosure statement, there is nothing on record which would connect the accused with the commission of the crime. They further submit that it is a case of no injury, as there is only allegation that they have set the liquor vend on fire, and at the best, even if we go by the allegations of the prosecution, it could be a case of mischief with fire only. They further submit that though the petitioners are involved in other cases as well, but petitioner Surinder Singh @ Sharry has suffered incarceration of about 9 months, whereas Arjan Singh has suffered the incarceration of more than 5 months. Finally, they have placed reliance upon Annexures P/3, P/4 and P/5, whereby accused Sunil Singh, Gurdit Singh @ Gujjar Singh and Rohit Kumar respectively, who are on co-pedestal, have been granted the relief of regular bail by the learned trial court

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concerned itself, and Annexure P/6, whereby accused Satnam Singh alias Sunny has been granted the relief of regular bail by the Coordinate Bench of this Court.

***SUBMISSIONS MADE BY LEARNED STATE
COUNSEL***

4. The learned State counsel has opposed the grant of regular bail on the ground that they are in direct touch with some of the notorious gangsters, and on their asking, the present petitioners have put the liquor vend on fire. He also placed on record the short reply by way of Jatinder Singh, PPS, Deputy Superintendent of Police, Sub Division Kotkapura, District Faridkot, in the case of Surinder Singh @ Sharry, which is taken on record as well as the custody certificate.

5. The learned State counsel, on instructions imparted to him by ASI Gurmail Singh, informed this Court that the final report qua the present petitioners was filed, but the charges have not yet been framed, and in the final report, the prosecution has cited total of 18 witnesses.

6. Be that as it may, considering the fact that the co-accused have already been extended the relief of regular bail, petitioner Surinder Singh @ Sharry has suffered incarceration of 8 months and 21 days, as on today, and Arjan Singh has suffered the



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incarceration of 5 months and 10 days, as on today, and further no recovery is required to be effected from the present petitioners and without commenting on the merits of the case, this Court deems it fit, and appropriate to extend the benefit of regular bail to both the petitioners. Therefore, both the present petitions are **allowed**.

7. The petitioners are ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

8. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

August 14, 2024
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(KULDEEP TIWARI)
JUDGE

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