



CRM-M-1562-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1562-2025
Date of Decision: 20.01.2025

Rohit Gill ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Arpan Sabharwal, Advocate
for the petitioner.

Mr. Akshay Kumar, A.A.G., Punjab.

Mr. Rahul Garg, Advocate
for respondent No.2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
76	23.06.2024	City Nakodar, District Jalandhar Rural	386, 342, 506, 511, 34 IPC (Section 364-A IPC added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 13 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from translated copy of FIR, Annexure P-1, which reads as follows:-

“Statement of Bhagwan Singh Purthi son of Sher Singh Pruthi resident of Mohalla Guru Teg Bahadur Nagar Nakodar PS City Nakodar District Jalandhar aged about 72 years phone number 98148-20699 has stated that I am a resident of the above mentioned address and I am an Ex-Councilor of Nagar Council Nakodar. I am running a shop in the name of Khalsa Dairy in front of Civil Hospital Nakodar. That on 22.06.2024 at about 10:30 AM my son Navjot Singh Pruthi @ Mani told me that he is going to Baba Muradshah Road South Adda for some personal work. Then at



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about 11:10 AM I got a WhatsApp call from the mobile number of my son Navjot Singh Pruthi @ Mani 98147-20699 in my mobile number 98148-20699. On which some unknown person was on the other side. Who told me that we have apprehended your son while consuming intoxicant. Come and meet us at Lambra. The matter is still with us. We will settle it here only. Who said that you should come to Malri near Taj City-2 Nakodar along with Rs. 50,000/-. Whereby I told my elder son Jaspreet Singh Pruthi and took him along and arranged the money and went to Taj City-2 Colony Nakodar at the place mentioned by them in my car then that person called me again and asked about the money. I told him that I have got the money. Then that person told us to wait there only. I am sending two of my accomplices on a motorcycle. Then after some time two hindu young men came on a without number motor cycle brand Bajaj Discover from the side of Village Malri. Who stopped at about a distance of 50 meters from our car. Then that person gave a WhatsApp call from my son's mobile number and said that my accomplices have reached near you. You come out of the car and hand over the money to them. We said that we are not going to get out of the car. They should come to the car to collect the money. When we did not get out from the car the young men got suspicious and turned their motor cycle towards the side of Jalandhar and ran away. Then I along with my family kept looking for my son Navjot Singh Pruthi. That about 7 PM they dropped iny son at the gate of Village Allowal. My son in a worried state called me on my phone and narrated the entire incident. I went and brought my son home. Who told me after coming home that three boys in a silver Swift car bearing no. PB-10-DA-9313 took me from Baba Muradshah Road South Adda Nakodar to Petrol Pump Village Mudh. From there they took me to Jalandhar. I being an Ex-Councilor and a respectable person of the society and due to regularly going to Police Stations and Court I am aware about the good abd bad elements of the society. The three boys who had kidnapped my son. Out of them one is Rohit Gill who is with Punjab Home Guard and works at Nakodar Court and my son even told me that they were talking amongst themselves by calling each other Rohit Gill, Gurpreet Gogi and Jacob. My son can recognize them if they are brought in front of him. We were afraid and did not want to inform at the Police Station. But then I gave confidence to my son that they can again do such a thing. They threatened my son that if you inform the police regarding this we will harm you. Appropriate legal action may be taken against the above said persons. This statement is being recorded in the presence of my son Navjot Singh Pruthi. Statement written read over heard and is correct. Sd/- Bhagwan Singh, Navjot Singh Attested/- Harinderpal Singh ASI, PS City Nakodar, dated 23.06.2024.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the



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petitioner and their family.

5. The State's counsel opposes bail.
6. Counsel for the complainant submits that the matter has been compromised and they have no objection if this Court grants bail to the petitioner.
7. State counsel submits that they need to file reply, however in the opinion of this Court, copy of the petition was supplied in advance and they have ample time to file reply. Copy of petition was supplied on 08.01.2025 and 12 days have passed but reply has not been filed. State counsel submits that they have instructions in the matter. State counsel further submits that there is clear cut allegation of kidnapping and petitioner is not entitled to bail. In case, this Court grants bail to the petitioner, it should be clarified that the order of bail shall not be a ground to quash the FIR itself.
8. There is sufficient primafacie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 3 of the bail petition, the petitioner has been in custody since 23.06.2024. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.
9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.
10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	



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12. This order is subject to the petitioner's complying with the following terms.

13. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

14. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

16. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

17. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

20.01.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.