

CRM-M-38449-2025
Reserved on: 07.08.2025
Pronounced on: 27.08.2025

...PETITIONER

...RESPONDENT

FIR No.	Dated	Police Station	Sections
197	13.11.2024	City South Moga, Punjab	111/111(2)/30/308(2)/308(3) of BNS,2023

- “That brief facts of the case are that, on 13.11.2024 a police party of CIA Staff, Moga, headed by ASI Varinder Kumar no.676/Moga was present at Bahona Chowk, Moga in connection with patrolling and checking of suspected persons then special informer came there and informed that Lakhvir Singh @ Lucky Brar son of Mukhtiar Singh who is residing in Canada alongwith his companions namely Arshdeep Singh @ Arsh son of Paramjit Singh, Gurjit Singh @ Jagga son of Jagtar Singh, Hardip Singh @ Honey son of Charanjit Singh, Kuldip Singh @ Laddu son of Binder Singh, Gardaur Singh @ Bhalla, all residents of village Charik and 4/5 unknown accused had formed a group and all of them in connivance with each other used to extort money from the innocent people after making threatening calls to them. On the basis of said information ASI Varinder Kumar got registered the present case by sending ruqa to the police station.*

5. That on the basis of said information, police party headed by ASI Varinder Kumar started searching above said accused persons and when police party

reached at Bus Stand Jhandewala then 5 persons were spotted, who were sitting on the cemented benches constructed under the trees. On the basis of suspicion ASI Varinder Kumar got stopped the vehicle and apprehended all of them, on enquiry first disclosed his name as Arshdeep Singh @ Arsh son of Paramjit Singh resident of Charik, second disclosed his name as Gurjit Singh @ Jagga son of Jagtar Singh resident of Charik, third disclosed his name as Hardeep Singh @ Honey son of Charanjit Singh, forth disclosed his name as Kuldeep Singh @ Laddu son of Binder Singh resident of village Charik, fifth disclosed his name as Girdaur Singh son of Bhola Singh resident of village Charik. Police party tried to join public witness, but nobody becomes ready for the same. During search of accused Arshdeep Singh @ Arsh one mobile make Oppo A-59 containing sim connections no.76259-08050, 78374-08050 was recovered. During search of Gurjit Singh @ Jagga one mobile make Vivo Y31 containing sim No.98778- 09515 was recovered. During search of Kuldeep Singh @ Laddu one mobile make Redmi containing sim no.98140-77091 was recovered. During search of Girdaur Singh one phone make MI containing sim no.98142-43138 was recovered. During search of accused Hardip Singh one mobile make Redmi Note-8 containing sim no.78148-21942 was recovered.

6. That during investigation of the case, accused Arshdeep Singh got recorded his disclosure statement with the police that all the accused are of same village and are known to each other and they came into touch with accused Lakhvir Singh @ Lucky Brar, who went to Canada about one year ago. Said Lakhvir Singh used to get extortion from businessmen/shop keepers by threatening them and as per instigation of said Lakhvir Singh they also started working from him and on 13.11.2024 as per directions of Lakhvir Singh they have received extortion amount of Rs.2 lakhs from Shanti Kumar Gauns, who is running his shop in the village. Out of said amount they have divided Rs.10000/- between them and concealed the remaining amount near the roots of Nim tree standing at Sandhuanawala Road. During investigation accused Gurjit Singh, Kuldeep Singh @ Laddu also recorded his disclosure statement with the police. Said accused Arshdeep Singh, Gurjit Singh and Kuldeep Singh also got recovered Rs.190000/- as per their disclosure statement. Parcel of recovered amount was prepared and same was sealed by ASI Varinder Kumar with his seal VK.”

4. Counsel for the petitioner submits that the petitioner was falsely implicated in the present case. The co-accused, namely, Kuldeep Singh @ Laddu, who asked the petitioner to favour him to send money as fee to one of his friend and also told the petitioner that there is problem with his own bank account due to that, money could not be deposited and request the petitioner to deposit the amount in the bank. The petitioner’s counsel prays for bail by imposing any stringent conditions including surrender of fire arms, if any. In case, he repeats the offence or commit any offence where the sentence is more than 07 years, he would have no objection, if State files an application for cancellation of his bail. He further contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State’s counsel opposes bail and refers to reply.
6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“12. Evidence against petitioner: Petitioner got recorded his disclosure statement and also got recovered Rs.190000/- out of extortion amount of Rs.2 lakhs which was recieved by them from Shanti Kumar Gauns. Apart from this Shanti Kumar Gauns also got recovered his statement that he had handed over Rs.2 lakhs to petitioner and his co-accused as per direction of Lucky Brar.

13. Role of the petitioner: Petitioner used to receive the extortion amount from people as per directions of Lucky Brar. Petitioner used to work for Lucky Brar.”

REASONING:

7. 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 9 of the bail petition, the petitioner has been in custody since 13.11.2024. Per the custody certificate dated 06.08.2025, the petitioner’s total custody in this FIR is 08 months and 20 days. 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 further pre-trial incarceration at this stage.
8. 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.
9. Given the 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 or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.
10. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the “Chief Judicial Magistrate” of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.
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)	

12. 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.

13. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner’s behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

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 bail in all FIRs pending against the petitioner before the concerned 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. In Amit Rana v. State of Haryana, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that “To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished.”

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

(ANOOP CHITKARA)
JUDGE

27.08.2025
renubala

Whether speaking/reasoned: Yes
Whether reportable: No.