



CRM-M-39569-2025

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-39569-2025
Decided on :26.11.2025

Irshad

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Abhishek Singla, Advocate
for the petitioner.

Mr. Bareen Pratap, Asst. A.G., Punjab.

SANJAY VASHISTH, J. (Oral)

1. Petitioner-Irshad, has filed instant petition under Section 439 Cr.P.C./483 BNSS, seeking regular bail in case FIR No. 17 dated 01.03.20198, under Section 365 IPC (P-1), registered at Police Station Sambhu and challan presented under Sections 364, 364-A, 120-B and 201 IPC.

2. In regard to the filing of the present third petition, counsel for the petitioner submits that the earlier bail petitions, namely CRM-M-1051-2021 and CRM-M-61230-2023, were disposed of as withdrawn vide orders dated 11.11.2021 (P-15) and 03.04.2025 (P-2), without detailed arguments on the merits.

3. Learned counsel for the petitioner further submits that, as per the FIR registered at the instance of complainant, Narvinder Singh, a

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mobile call was received from mobile number 9988356000, belonging to the father of the complainant, wherein an unknown person speaking in Hindi was on the other side. During the investigation, it also surfaced that on 04.03.2019, the complainant had received a phone call on his mobile number 9256156000 from the same number, 9988356000, of Sampuran Singh. The kidnappers allegedly demanded ransom for the release of Sampuran Singh, and the voice of the kidnapper was recorded on a CD, which the complainant presented to SI Buta Singh. The voice was subsequently identified as that of Subhash Chand Rana.

Counsel further argues that during the investigation, a total of six accused were arrested, namely:i) Nadeem (Juvenile/CCL), ii) Sohan Lal,iii) Vikas Kumar,iv) Subhash Chand,v) Balister @ Bana,vi)Mustkeen,vii) Irshad (the petitioner herein).

It is further submitted that the kidnapped person, Sampuran Singh, was recovered from the possession of co-accused Balister @ Bana, who has already been granted bail by a co-ordinate Bench of this Court vide order dated 12.09.2023 (P-12). Referring to the details mentioned in paragraph No.13 of the petition, counsel submits that other co-accused have already been released on bail, whereas petitioner is in custody for approximately six years and seven months. The allegation against him is that he accompanied the party, but no overt act has been specifically attributed to him. Petitioner was, however, arrested following the recovery of Sampuran Singh's Aadhar card and his gold ring, which

were allegedly found in the fields based on the petitioner’s disclosure statement.

4. Counsel contends that, applying the principle of parity with the bail orders granted to the other co-accused, petitioner has not been materially implicated. In fact, petitioner is in a comparatively better position than co-acused Subhash Chand, who was identified by his voice on the CD presented by Balister @ Bana, from whose custody Sampuran Singh was recovered. Accordingly, petitioner prays for the grant of bail.

5. On the other hand, learned State counsel submits that there are serious allegations against the petitioner; however, the other factual aspects narrated by the petitioner remain uncontested.

When specifically asked by the Court whether the petitioner has been found to have indulged in any criminal activity, the reply was in the negative.

6. I have heard learned counsel for the parties and have carefully perused the paper-book, along with the documents appended thereto, including the custody certificate.

7. The details of the other co-accused, as mentioned in paragraph No.13 of the petition, who have already been granted the concession of bail, are as follows:

Sr. No.	Name of accused	Case No.
1	Nadeem (Similar role as assigned to the petitioner)	CRM-M-12884-2020, Nadeem versus State of Punjab allowed on 04.06.2020, copy is annexed as Annexure P-8
2	Sohan Lal (Alleged Driver of the alleged vehicle in which the victim was taken)	CRM-M-43012-2019, Sohan Lal versus State of Punjab allowed on 17.11.2020, copy is annexed as Annexure P-9

3	Vikas Kumar (Similar role as assigned to the petitioner)	CRM-M-25106-2022, Vikas Kumar @ Bunty versus State of Punjab allowed on 03.08.2023, copy is annexed as Annexure P-10
4	Subhash chand (Main accused: Alleged conspirator and the person who allegedly abducted the victim)	CRM-M-50420-2023, Subhash chand Vs. State of Punjab allowed on 20.10.2023, copy is annexed as Annexure P-11.
5	Balister @ Bana (Similar role as assigned to the petitioner)	CRM-M-43832 of 2023, Balister @ Bana Vs. State of Punjab allowed on 12.09.2023, copy is annexed as Annexure P-12
6	Mustkeen (Similar role as assigned to the petitioner)	CRM-M-29661 of 2023, Mustkeen Vs. State of Punjab allowed on 20.10.2023, copy is annexed as Annexure P-13.

Coupled with the fact that, undisputedly, all other co-accused are on bail, and the petitioner, not being involved in any other case, has been in jail for approximately six years and seven months, while only 11 prosecution witnesses out of a total of 31 have been examined, it is evident that the trial is likely to take considerable time. Under these circumstances, the petitioner cannot be detained any longer.

Consequently, present petition stands allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

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9. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

10. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

26.11.2025*Rashmi*

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No