

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64992-2024
Date of Decision:25.02.2025

Balwinder SinghPetitioner(s)

VERSUS

State of PunjabRespondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Brijesh Nandan, Advocate for the petitioner.
(through video conferencing)

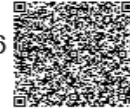
Mr. Amandeep Singh DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Under Section(s)	Police Station	District
Balwinder Singh	302	29.12.2023	307, 336, 24 IPC	Kotwali	Kapurthala

2. Learned counsel for the petitioner argued that FIR in the present case was registered on 29.12.2023 and name of the petitioner was involved at the instance of complainant only on the basis of doubt after a period of nine months i.e. 10.10.2024 and since then petitioner is in custody. As per allegations levelled by the complainant, he had received a threatening call on his whatsapp from +351920343654 and regarding which FIR No. 271 dated 14.11.2023, under Sections 387 and 506 IPC was

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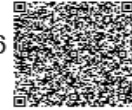
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registered at Police Station Kotwali, Kapurthala. Counsel submits that in the said case, petitioner is already on bail. Further submits that petitioner has been involved in the present case regarding an incident dated 28.12.2023 and there is no connecting evidence with the prosecution to establish that on 10.10.2024 any threatening call was received by the complainant and that too at the instance of the present petitioner.

3. Learned State counsel has filed status report by way of affidavit of Deep Karan Singh, PPS, Deputy Superintendent of Police, Sub Division, Kapurthala, in the Court. Same is taken on record. On being asked by the Court, learned State counsel informs that no such mobile phone has been recovered from the possession of the petitioner to ascertain the allegations which was pertaining to the incident dated 10.10.2024. Learned State counsel also submits that petitioner is involved in two more cases, which are mentioned in paragraph no.10 of the Status report. For reference, same is reproduced herebelow:

*“1. FIR No.271 dated 14.11.2023, u/s 387, 506 IPC, registered at Police Station Kotwali, Kapurthala
2. FIR No.145 dated 24.10.2020, u/s 379 IPC and 21 of Mining Act, registered at Police Station Fattudhinga, Kapurthala.”*

5. I have considered the submissions and examined the record, out of two other cases registered against the petitioner, one was registered at the instance of complainant with regard to the issuance of threat and as per the statement of learned State counsel no such mobile was recovered from the possession of the petitioner, therefore, it would be a moot question before the Investigating agency or the prosecution agency to

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produce connecting evidence to prove allegations accruing through FIR No. 271 dated 14.11.2023. Another case i.e. FIR No. 145 dated 24.10.2020, is in regard to the committing of theft of the sand and petitioner is stated to be on bail in the said case. Therefore, this Court does not find any special reason to keep the present petitioner inside jail for indefinite period.

7. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the facts noticed hereinabove, I deem it appropriate to grant the concession of bail to the petitioner.

8. Consequently, prayer made in the present petition is **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.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 25, 2025
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Whether Speaking/Reasoned: **YES/NO**