

CRM-M-30879-2023 (O&M) and
CRM-M-38680-2023 (O&M)

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2023:PHHC:152225

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: 30.11.2023

(I) CRM-M-30879-2023 (O&M)

SURINDER KAMBOJ

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

(II) CRM-M-38680-2023 (O&M)

RANO BAI

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. S. P. S. Sidhu, Advocate
for the petitioner in CRM-M-30879-2023.

Ms. Riffi Bala Birla, Advocate
for the petitioner in CRM-M-38680-2023.

Mr. Ramdeep Partap Singh, Senior DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. Both the petitions are taken up together for final disposal with the consent of learned counsel for the parties since both the petitions arise out of the same FIR and the prayer in both the cases is for the grant of regular bail.

2. Both the petitions have been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioners in FIR

No.71 dated 21.04.2023, under Sections 384, 389 and 34 of the IPC, registered at Police Station City Jalalabad, District Fazilka. Punjab.

3. Learned counsels for both the petitioners have submitted that both the petitioners are in custody for more than 7 months and the investigation of the case has been completed by the police and thereafter, challan has also been presented before the competent Court and 5 prosecution witnesses have been examined. They further submitted that the allegations against both the petitioners in the FIR were with regard to demanding of money by way of extortion. They also submitted that in fact the allegations were that Surinder Kamboj (petitioner in CRM-M-30879-2023) and Rano Bai (petitioner in CRM-M-38680-2023) demanded Rs.10 lacs from the complainant otherwise an FIR under Section 376 of the IPC would be registered against him. They further submitted that thereupon on the same date, an FIR under Section 376 of the IPC was registered against the complainant on the complaint of Rano Bai (petitioner in CRM-M-38680-2023) but no exchange of money took place. They further submitted that both the petitioners have been falsely implicated in the present case by making false allegations against them. They further submitted that be that as it may, now the investigation of the case has already been completed by the police and thereafter, challan has also been presented and all the material witnesses stand examined. They further submitted that the complainant has also been examined and he has not supported the prosecution version and he has been declared hostile. In addition to the above, even the son of the complainant, who was also allegedly accompanying the complainant for making a complaint did not support the prosecution version and he has also been declared hostile.

They further submitted that in view of the aforesaid facts and circumstances of the present case, both the petitioners may be considered for the grant of regular bail.

4. On the other hand, Mr. Ramdeep Partap Singh, Senior DAG, Punjab submitted that it is correct that both the petitioners are in custody for more than 7 months and the investigation of the case has already been completed and all the material witnesses stand examined. He further submitted that both the complainant and his son have not supported the prosecution version and they have been declared hostile.

5. I have heard the learned counsel for the parties.

6. In view of the aforesaid factual position, whereby both the petitioners have faced incarceration for more than 7 months and the investigation of the present case has already been completed by the police and all the material witnesses stand examined and also the fact that all the material witnesses including the complainant and his son have not supported the prosecution version and they have been declared hostile, this Court is of the view that no useful purpose would be served in case further custody of both the petitioners is perpetuated. Furthermore, it is not the case of the learned State counsel that in case the petitioner are released on bail, then they may influence any witness or may tamper with evidence or may flee from justice.

7. Therefore, considering the aforesaid totality and circumstances of the present case, this Court deems it fit and proper to grant regular bail to both the petitioners.

8. Consequently, both the petitions are allowed. The petitioners shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

9. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petitions only.

30.11.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No