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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-51576-2024

Date of decision:-23.01.2025

AMANDEEP KUMAR

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate, and
Ms. Malini Singh, Advocate, for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG, Punjab.

SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS), for grant of regular bail in the following case (Annexure P-1) :-

FIR No.	Dated	Sections	Police Station
12	29.01.2021	452, 365, 511, 506, 120-B IPC	City Fazilka, District Fazilka

2. Arguments heard.

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case on account of political enmity and has been implicated in number of cases. He contends that in the instant FIR the allegations have been levelled without



any basis by proclaiming the petitioner of having forced the complainant to get the inquiry pending with Superintendent of Police Fazilka, where the complainant was working as Reader, to be decided in his favour and to pressurize him. He had sent his associates to the house of complainant to abduct his children by hatching conspiracy. He contends that all the allegations are manipulated and without any basis. He contends that the co-accused of the case have already been granted concession of bail vide orders (Annexure P19-P21). He submits that the petitioner is in custody since 15.01.2024, after completion of investigation, challan has already been presented in Court and conclusion of trial will take long time, as such, he prays for grant of regular bail to the petitioner.

4. *On the other hand*, learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that there are specific allegations against the petitioner of having conspired to send his associates to the house of the complainant in a bid to kidnap his children and this coupled with the criminal antecedents of the petitioner disentitles him from the concession of bail, hence prayed for dismissal of the regular bail petition.

5. After considering the rival contentions and perusing the record, it is observed that the instant FIR was registered on the application moved by the complainant alleging that while he was posted as Reader to Superintendent of Police, HQ, Fazilka than an inquiry in one FIR against the petitioner was pending with the concerned Superintendent of Police. The petitioner was known to the complainant as he was assisting him in some



other case in 2014 and he had been pressurizing the complainant to get the inquiry decided in his favour but the complainant did not help the petitioner and petitioner nursing a grudge conspired to send his associates on 29.06.2020 to the house of the complainant by scaling the gate and tried to kidnap the children of the complainant, on these allegations the instant case was registered.

6. The petitioner was arrested on 15.01.2024 and since then he is in custody, admittedly the co-accused Sunil Singh, Chiman Lal, Kulwant Ram, Reshma Rani, Parveen Kumar, Gurmukh Singh are already admitted to bail. The petitioner was nominated in the case on 06.02.2021 and has already joined investigation as per report submitted by the State. So far as the pendency of other cases are concerned, it is settled preposition of law as has been held by Hon'ble Supreme Court of India in ***Prabhakar Tewari v. State of U.P. & Anr., Law Finder Doc Id # 1670858*** that while dealing with the bail petition, the pendency of several criminal cases against the accused cannot by itself be considered sufficient for refusal of prayer for grant of bail. After completion investigation, challan has been presented in Court wherein prosecution has cited 19 witnesses and till date none of them have been examined. The conclusion of trial to ascertain criminal liability, if any, of the petitioner in the present case will take sufficient long time. In this manner the petitioner cannot be allowed to suffer incarceration since long in the present case triable by the Court of Magistrate.

7. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner



behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

23.01.2025

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No