

(203) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20099-2022

Date of Decision: 02.12.2022

MANJIT SINGH @ SONU

... Petitioner

Versus

STATE OF U.T. CHANDIGARH

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. Nikhil Ghai, Advocate and
Mr. Nipun Bhardwaj, Advocate
for the petitioner.

Mr. C.S. Bakshi, Addl. P.P.
for the respondent-UT.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.26 dated 08.02.2022 (Annexure P-1) registered under Sections 387, 120-B IPC and Sections 25, 27, 54, 59 of the Arms Act at Police Station Sector-34, Chandigarh.

2. The present FIR has been lodged on the statement of Angrej Singh with the averments that on 28.01.2022 at 6.30 PM, he received a WhatsApp call on his mobile. The caller disclosed his identity to be Goldy Brar and demanded a ransom of Rs.1 crore. He showed his inability to make the payment of the ransom amount and also told the caller that he is busy. The caller told him to call back. However, he did not call back the caller. On 25.01.2022, again a call was received on WhatsApp. Caller disclosed himself to be Goldy Brar. He again told the caller that he was busy and would call him back after some time. On 27.01.2022, he again received a call at 04.00

PM. The caller told him that despite making calls 2-3 times he (complainant) has not called him (caller) back. He (complainant) was threatened with death. Thereafter, he told the caller that he would call back after 10 minutes and accordingly made a call. The caller demanded a ransom of Rs.1 crore. He (complainant) expressed his inability to make the payment of the said ransom amount. The caller replied that he (complainant) was a rich man and also threatened that his children would be kidnapped. On being so threatened, he offered to pay a ransom amount of Rs.5 lakhs. He was told to pay Rs.25 lakhs and was directed to make the payment of Rs.10 lakh first and Rs.15 lakhs in October. He was also told that he would receive another call and a person would come and receive the money. On 28.02.2022 at 6-7 PM he received a WhatsApp call from the petitioner-Manjit Singh @ Sonu asking him as to whether he (complainant) was receiving phone calls from Goldy Brar. He replied in the affirmative. The petitioner asked him (complainant) to come and meet him at Panchkula. He went to meet the accused/petitioner at Sector-20, Panchkula in the presence of Sandres Jamata and Rakesh Kalta. The petitioner told him that Sampat Nehra was his brother-in-law and that he (complainant) had committed to make a payment of Rs.25 lakhs and now he could not retract from the commitment. He showed his inability to make the payment of said amount. The petitioner told him that he would talk to Sampat and thereafter he would not receive any call. On 01.02.2022 the accused/petitioner called him and asked him to come to the office of Sandres Jamata. He (complainant) was made to talk to Sampat on a video call and was told to make the payment to the accused/petitioner. The accused/petitioner and Sandres Jamata requested Sampat that he (complainant) could not make a

payment of Rs.15 lakhs and requested Sampat to receive a sum of Rs.10 lakh. He (complainant) insisted that he did not have a sum of Rs.10 lakhs and then was asked to make the payment of any amount he could make. He transferred a sum of Rs.3 lakhs in the account number provided by the accused Manjit. He paid a cash of Rs.4 lakhs in cash to the accused in the presence of Sandres Jamata. On 04.02.2022 the accused Manjit connected him to Goldy Brar through a video call. He was told that Rs.7 lakhs out of Rs.50 lakhs had been received and the remaining amount be paid at the earliest. A phone call was received by him from the accused Manjit Singh asking him not to pick any phone call. Thereafter a threatening voice message was received from Goldy Brar. He also stated that he suspected that all this was a ploy of the accused Manjit Singh (petitioner).

3. The learned Senior counsel for the petitioner contends that the petitioner had never made a demand for any money from the complainant. The petitioner was trying to help the complainant against the demands made by Sampat Nehra and Goldy Brar. The petitioner and the complainant had their offices at Sector 20, Panchkula and it is only out of professional rivalry that the complainant had falsely implicated the petitioner in this case. The petitioner had no prior record and merely because he had some association with Sampat Nehra would not imply his complicity in the illegal and unlawful activities of the others. Even otherwise, it was highly unlikely that the petitioner would take the ransom amount in his bank account as per the allegations of the complainant. The entire case of the prosecution was based on assumptions and disclosures extracted from the petitioner during the police remand. Even otherwise, the petitioner had been in custody in since

08.02.2022, the investigation stood completed and since none of the 22 prosecution witnesses had been examined so far, the further incarceration of the petitioner was not required as the Trial was not likely to be concluded anytime soon. Even otherwise, the case was triable by the Court of a Magistrate.

4. On the other hand, Mr. C.S. Bakshi, Addl. P.P. for U.T., Chandigarh contends that the complainant had paid money to the petitioner at the instance of Sampat Nehra who is a dreaded gangster lodged in jail. The said Sampat Nehra was the brother-in-law of the petitioner. A sum of money had also been transferred in the account of the petitioner. One Vishwajeet alias Vishu had also handed over Rs.3 lakhs to the Investigating Officer on the ground that he had been handed over the said money by the petitioner. The petitioner on his arrest got recovered a country-made pistol, 04 live cartridges, 01 mobile phone and 11 SIM cards. So, considering the nature of the offence and the mode and manner in which it has been committed along with the recoveries from the petitioner, the petitioner did not deserve the concession of bail.

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

6. Undoubtedly, the allegations against the petitioner are extremely grave. Offences of this kind are certainly on the rise and must be nipped in the bud. However, the veracity of the allegations would be a matter of adjudication during the course of Trial. At this stage, the petitioner is in custody since 08.02.2022. None of the 22 prosecution witnesses have been examined so far and therefore, the Trial of the present case is not likely to be concluded in the near future. Even otherwise, the case is a triable by the Court

of a Magistrate. In such a situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Manjit Singh @ Sonu is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall deposit his passport with the Trial Court in case it has not already been deposited.

9. The petitioner shall also appear before the police station concerned on the first Monday of every month till the conclusion of the Trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

10. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.5,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

02.12.2022

JITESH

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