

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-16354 of 2015

Date of decision : 13.08.2015

Bhupinder Singh and others

..... Petitioners

versus

State of Punjab

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present: Mr. Lal Singh Sandhu, Advocate
for the petitioners**

Mr. V.P.S. Sidhu, AAG Punjab

**Mr. Gurmeet Singh Saini, Advocate
for respondent No. 2**

ANITA CHAUDHRY, J. (ORAL)

The petitioners are seeking anticipatory bail in FIR No. 83 dated 03.05.2015 registered at Police Station Patran, District Patiala under Sections 364/120-B IPC.

A complaint was made by Bira Ram. He has a son by name of Kuldip Ram @ Deepi. One Balkar Singh working as a labourer with Karorh Singh resides alongwith his family in the Chobara. Geeta wife of Balkar Singh had an affair with Kuldip and both of them had eloped. They returned after some days. On 08.04.2015, Kuldip Ram and Geeta again eloped. Karorh Singh and his sons suspected that complainant knew the details. On 03.05.2015 at about 10 p.m. Karorh Singh, Bhupinder Singh @ Bhinda, Harwinder Singh, Jugraj and Harpreet Singh @ Pritpal Singh came to the house of the complainant and gave beatings to the

complainant, his son and daughter-in-law. While going they also took away Jarnail Singh's son in a Scorpio vehicle and threatened to kill him. On 06.05.2015, Jarnail Singh appeared in the Court and made a statement that he had not been kidnapped nor was given beatings. He appeared again in the Court on 12.05.2015 and made a statement that the statement given by him on 06.05.2015 was under threat and pressure of the accused who had threatened to eliminate him and his sons in case he made a statement and now he was making the statement without any pressure or fear. He stated that the accused had abducted him and had taken him in a Scorpio vehicle and threw him near a village at Kaithal (Haryana).

On these allegations the petitioners had approached the Additional Sessions Judge, Patiala who had dismissed the bail application. Earlier the petitioners had moved an application for grant of interim anticipatory bail on the plea that compromise had been effected. Another application was moved for impleading the complainant and that application was allowed and notice was given. Service was effected on respondents.

Learned counsel for the petitioners states that compromise has been effected and no recovery is to be effected and anticipatory bail may be allowed.

Learned State counsel submits that Jarnial Singh had made a statement under Section 164 Cr.P.C. that he had received injuries and there is MLR and the complainant's son was kidnapped on 02.05.2015 and was recovered after four days.

?The allegations against the petitioners are serious.

Section 438 Cr.P.C. is an extra ordinary remedy and protection can be granted considering the material and the facts of a given case. The allegations against the petitioners are grave. Custodial interrogation is necessary. It would be difficult to carry out the investigation and it is necessary to curtail their freedom to enable the Investigators to proceed. No fetters can be placed upon the Investigators.

The petition is dismissed.

August 13, 2015

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**(ANITA CHAUDHRY)
JUDGE**