

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**Criminal Misc. No. M-31240 of 2015
Date of decision: 15.09.2015**

Kashmir Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. Ritesh Pandey, Advocate
for the petitioner.

Daya Chaudhary, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.59 dated 16.08.2015 registered under Sections 366-A, 368, 342 and 120-B of Indian Penal Code at Police Station Sadar Gurdaspur, District Gurdaspur.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case and co-accused of the petitioner were going in the car whereas the petitioner was going on the motorcycle. Accused, who were going in the car, have specifically been named in the FIR and specific roles have also been attributed to them. The petitioner cannot be connected with the alleged offence in any manner as simply he was simply going from that place. Learned counsel also submits that the FIR was also

registered after delay of two days.

Heard arguments of learned counsel for the petitioner and have also perused the allegations levelled in the FIR.

As per allegations in the FIR, the daughter of the complainant was going to attend tuition along with her friend and on the way, they were kidnapped by the persons, who were on motorcycle as well as in the car. Thereafter, the accused persons took both the girls to the Dera. The accused persons were seen by the passersby and one person, namely, Nirmal Singh. As per allegations, all the boys locked both the girls in a room and ran away.

The argument of learned counsel for the petitioner that the petitioner has no role to play, cannot be accepted at this stage as not only their names have specifically been mentioned but no reason whatsoever has also been pointed out in the arguments that there was some personal enmity with the complainant and because of that enmity, the petitioner has been implicated in the case. Otherwise also, an overt act has also been attributed to all the accused persons and Section 120-B IPC is also there and it cannot be said that the petitioner was not involved in the alleged offence.

Keeping in view the seriousness of the offence and the role attributed to the present petitioner, no ground is made out to grant anticipatory bail to the petitioner.

Dismissed.

15.09.2015
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(DAYA CHAUDHARY)
JUDGE