

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

**Criminal Misc. No. M-37420 of 2015 (O&M)
Date of decision: 04.11.2015**

Harjinder Singh

..Petitioner

Versus

State of Punjab and another

..Respondents

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. K.B.S. Mann, Advocate
for the petitioner.

Ms. Ritu Punj, Addl. AG, Punjab
for respondent No.1 – State.

Mr. Naresh Jain, Advocate
for respondent No.2.

Daya Chaudhary, J.

CRM-36622 of 2015

This application is for placing on record reply on behalf of
respondent No.2.

Application is allowed and reply of respondent No.2 is
taken on record.

CRM-M-37420 of 2015

This petition has been filed under Section 438 Cr.P.C. for
grant of anticipatory bail to petitioner-Harjinder Singh in complaint

case No.118-1 dated 01.07.2014 titled as "*Kuldeep Kaur vs. Manvinderbir Singh and others*" pending before Sub Divisional Judicial Magistrate, Malout.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case as he was member of the raiding party and picked up the son of respondent No.2 from Hotel Royal Inn at Amritsar and thereafter, was implicated in a case of NDPS Act. As per bill, the room was booked in the name of Tejwinder Singh, which was checked out on 19.06.2014. As per record maintained by the Hotel Management, the address of son of respondent No.2 was mentioned therein. The son of respondent No.2 is a habitual offender and several cases are pending against him. Just to put a pressure and to create defence, the present complaint has been filed. The petitioner is ready to appear before the trial Court and to face the trial as he is not required for investigation.

While issuing notice of motion on 02.11.2015, following order was passed: -

" During hearing of the case, Mr. Naresh Jain, Advocate, representing the complainant has brought to the notice of this Court certain documents showing false implication of the complainant because of party faction, whereas, learned counsel for the petitioner submits that notice of motion has been issued in case of co-

accused and directions have been issued to join Court proceedings on or before 06.11.2015.

Notice of motion.

On the asking of the Court, Ms. Rity Punj, Additional Advocate General, Punjab, who is present in the Court, accepts notice on behalf of respondent-State.

Notice on behalf of complainant has been accepted by Mr. Naresh Jain, Advocate, who seeks time to file reply.

Adjourned to 04.11.2015.

Learned counsel for the petitioner is directed to supply two copies of the petition each to learned counsel for the respondent-State as well as learned counsel for the complainant during the course of the day.”

Learned counsel for respondent No.2-complainant has brought to the notice of this Court certain documents, which would show the involvement of the petitioner in the case. Reply on behalf of respondent No.2 has been filed, which is on record. Learned counsel for respondent No.2 further submits that it is not a case that the petitioner was simply a member of the raiding party. The complaint was lodged by respondent No.2, who is a widow and has retired as Principal from ITI Women, Sirsa. Her son has been implicated

because of party faction. FIR No.20 dated 20.01.20008 under Section 18 of the NDPS Act was registered against son of respondent No.2 wherein he was acquitted by the trial Court. Thereafter, another case i.e., FIR No.26 dated 20.04.2013 under NDPS Act was registered. Thereafter, again he was implicated in two more cases i.e., FIR No.37 dated 07.06.2014, Police Station Sadar Malout and FIR No.24 dated 09.06.2014, Police Station Lakhewal, District Sri Muktsar Sahib. In aforesaid two FIRs, no investigation was carried out by the Police and the challan has also not been presented till date. Learned counsel for respondent No.2 also submits that when son of respondent No.2 was in custody during the period from 19.06.2014 to 25.06.2014, an amount of ₹3,10,000/- was withdrawn by the accused persons from different bank accounts of her son and the same was misappropriated. A criminal complaint was also filed against the accused persons wherein directions were issued by learned Additional Sessions Judge vide order dated 03.06.2015. During pendency of the criminal complaint, the petitioner and other accused threatened respondent No.2 to face dire consequences just to put a pressure upon her to withdraw the complaint. Learned counsel also submits that son of respondent No.2 was picked up from the Hotel. The scientific investigation has been conducted to prove the allegations levelled in the complaint including call details of the police party, location of their mobiles, CCTV footage, which has proved the presence of the Police party. Learned counsel also submits that

inspite of proper service effected upon the petitioner and even after issuance of non-bailable warrants, the petitioner has not appeared before the trial Court so far. Now proceedings under Sections 82 and 83 Cr.P.C. have been initiated by the trial Court.

Heard arguments of learned counsel for the petitioner as well as learned counsel for respondent No.2 and have also perused the allegations levelled in the complaint and other documents on the file.

As per allegations levelled in the complaint, the amount has been withdrawn from the account of son of respondent No.2 through ATM card and blank cheques have also been obtained for withdrawal of the amount. The petitioner has been summoned on the basis of allegations of kidnapping as a *prima-facie* case was made out against him. Moreover, proclamation has already been issued vide order dated 04.09.2015 for 05.10.2015. Accused, namely, Manvinderbir Singh, Kuldeep Sharma, Pargat Singh and Satish Asija have appeared and furnished bail bonds before the trial Court. The present petitioner has not joined the Court proceedings inspite of issuance of non-bailable warrants. It has also been alleged in the complaint that being the Police officials including the petitioner, the ladies were kidnapped and as such have violated the mandate of law as well as the guidelines laid down in various judgments of Hon'ble the Apex Court.

Keeping in view the facts and circumstances of the case,

no ground is made out to grant anticipatory bail to the petitioner as inspite of service, the petitioner has not joined the Court proceedings and as such, the present petition being devoid of any merit is hereby dismissed.

However, in case, the petitioner surrenders before the trial Court and moves an application for grant of regular bail, the same shall be decided by the trial Court in accordance with law.

04.11.2015
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(DAYA CHAUDHARY)
JUDGE