

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

**CRM-M-31420-2016 (O&M).
Date of Decision: 15.11.2016.**

Chashamdeep Singh and anotherPetitioners.

VERSUS

State of Punjab and anotherRespondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. D.S. Bhinder, Advocate for the petitioners.

Mr. Ankur Jain, Assistant Advocate General, Punjab.

Mr. Mohinder Kumar, Advocate for victim Gurmail Singh.

SNEH PRASHAR, J.

CRM-35748-2016

Documents Annexure-A1 to A14 are taken on record, subject to all just exceptions. Application stands disposed of.

CRM-M-31420-2016

The petitioners are wanted in case First Information Report No.140 dated 02.04.2009 under Section 365/367/386/291/506/323/120-B of the Indian Penal Code and Section 25/54/59 of the Arms Act, 1959 registered at Police Station Phase-I, Mohali. Apprehending their arrest, they have moved the instant petition for being given the benefit of anticipatory bail.

The petitioners alongwith Harvinder Singh @ Lucky and Sultan Singh @ Tanni were summoned as additional accused on an application filed by victim-complainant Gurmail Singh under Section 319 of the Code of Criminal Procedure (for short, "Cr.P.C."), for facing trial with accused Davinder Singh, who had already been challaned.

The allegation against the petitioners was that they alongwith Davinder Singh had thrashed him and had forcibly kidnapped him. Further that on pistol point, Davinder Singh had obtained his signatures on some blank papers and stamp papers and had also made him scribe a suicide note.

The submissions made by Mr. D.S. Bhinder, learned counsel representing the petitioners, Mr. Ankur Jain, learned Assistant Advocate General, Punjab and Mr. Mohinder Kumar, learned counsel representing victim Gurmail Singh have been heard.

Learned counsel for the petitioners submits that as per allegations of the complainant-victim, Davinder Singh was the main accused who had allegedly on pistol point obtained his (complainant's) signatures on blank papers and stamp papers. During investigation of the case, the petitioners were found to be innocent. They were not named in the First Information Report lodged by Kulwinder Singh, first cousin of Gurmail Singh who was alleged to be accompanying Gurmail Singh when he was kidnapped. Subsequently, in his statement Gurmail Singh distorting the actual facts had falsely named the petitioners as companions of the main accused Davinder Singh. Submitting that nothing is to be recovered from the petitioners, learned counsel contended that they be given the benefit of

The petition has been opposed by learned State counsel and learned counsel representing victim Gurmail Singh. They have placed on record copy of the order dated 12.09.2016 passed by learned Additional Sessions Judge, Mohali, by virtue of which the petitioners have been declared proclaimed offenders when despite issuance of warrant of arrest and ultimately proclamation under Section 82 Cr.P.C. they could not be arrested. The petitioners may not have been named in the First Information Report but in his very initial statement victim Gurmail Singh, after he was released, had specifically named them for having thrashed him, forcibly kidnapped him and threatened him when he was in their illegal confinement.

In view of the facts and circumstances and without going into the merits of the case, as there is no ground for release of the petitioners on anticipatory bail, their petition is hereby dismissed.

(SNEH PRASHAR)
JUDGE

15.11.2016
jitender sharma

Whether speaking/ reasoned : Yes

Whether Reportable : No