

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

CRM-M No.33149 of 2016

Date of decision: September 19, 2016

Dharambir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Vivek Salathia, Advocate
for the petitioner.

JASPAL SINGH, J.(ORAL)

The instant petition has been preferred by Dharambir Singh under Section 438 of Code of Criminal Procedure, seeking pre-arrest bail, feeling apprehension of his arrest, in case bearing FIR No.403 dated 20.08.2016, under Sections 364, 364-A (added later on), 34 120-B, 149 (added later on) of Indian Penal Code registered at Police Station Civil Lines, Amritsar.

The instant FIR was registered at the instance of Pardeep Singh Chandi on the allegations that on August 19, 2016 he had gone to Amritsar in his Duster Car bearing registration No.PB02-CC-0163. At about 08:30 pm, when he was going towards Ranjit Avenue via Rattan Singh Chowk, in front of Hotel HK 52, he saw a Pajero Car of his brother Amandeep Singh Chandi bearing registration No.PB02-BV-1000, ahead of which one Innova Car bearing No.DL-IT-AV was also parked obliquely and his brother was encircled by three persons. They threw his brother in Innova Car using force and drove away the Car. Out of those three persons, one person drove the

Car of his brother. Complainant alleged that his brother was abducted for extracting money/ransom.

Learned counsel for the petitioner has argued that petitioner is encircled, has not committed any offence and has been falsely involved in this case. He is not named in the FIR in fact, petitioner was an employee of Amandeep Singh Chandi and had left the job about seven months earlier. Nothing is to be recovered from the petitioner and his custodial interrogation is not required. Learned counsel for the petitioner has further contended that petitioner is ready to join the investigation and shall abide by all the conditions imposed upon him in case he is granted the concession of pre-arrest bail.

This Court has given an anxious thought to the aforesaid submissions made by learned counsel for the petitioner and gone through the record available on file.

During investigation, accused Jaswinder Singh @ Jassi, Manjit Singh, Paramjit Singh, Varun Sareen and Manmohan Singh @ Mani were arrested and it revealed from their custodial interrogation that the conspiracy to kidnap Amandeep Singh brother of the complainant for ransom was planned by the aforesaid persons in connivance with Varun Sareen and petitioner-Dharmbir Singh along with Pawan. Amandeep Singh Chandi and Pajero Car have already been recovered from the aforesaid persons and the investigation is still pending. Thus, participation of petitioner Dharmbir Singh has been effectively found in the incident. Petitioner is alleged to have delivered information of the brother of complainant to his co-accused.

Keeping in view the facts noticed above, custodial interrogation of petitioner is necessary to unearth all the ramifications involved in the commission of offence. Moreover, investigation is at the preliminary stage and it will be hampered in case petitioner is released on pre-arrest bail. Even otherwise, the discretion under Section 438 Cr.P.C. is extraordinary remedy which can be invoked only in exceptional circumstances. Thus, the allegations against the petitioner are serious and grave in nature.

In the light of what has been discussed above, finding no merit in the instant petition. Dismissed.

September 19, 2016
m. sharma/avin

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No