

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-7048 of 2016 (O&M)

Date of Decision: 21.04.2016

Bhupinder Singh @ Bhinda

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Bikramjit Aroura, Advocate for the petitioner.

Ms. Manpreet Dhaliwal, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.03 dated 26.1.2016 under sections 365, 341, 148, 149 I.P.C (offence under sections 342, 506, 353, 186 I.P.C and sections 3/4 of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 were added subsequently), registered at Police Station, Chohla Sahib, District Tarn Taran.

Learned counsel for the parties have been heard.

F.I.R came to be registered on the statement of Kuldeep Kaur. Allegations in a nutshell are with regard to husband of the complainant namely Baljinder Singh having been kidnapped by the present petitioner on 26.1.2016.

It would be apposite to notice that initially F.I.R was registered under sections 365, 341, 148, 149 I.P.C and offences under sections 342, 506, 353, 186 I.P.C as also sections 3/4 of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 were added upon statement of Baljinder Singh having been recorded on 28.1.2016 i.e. the

date as per prosecution he was recovered from the house of the present petitioner.

Petitioner has been in custody since 26.1.2016.

Investigation in the case is complete and even challan stands presented.

This Court finds merit in the contention raised by counsel appearing for the petitioner that it is a case of false implication. In this regard the initial version of complainant Kuldeep Kaur which led to the registration of the F.I.R may be noticed, wherein she has herself stated that her husband Baljinder Singh was working as a laborer (Siri) with the present petitioner and now for the last about one year a dispute was going on as regards a money transaction. It may also be noticed that even though, in the statement of Baljinder Singh recorded subsequently i.e. on 28.1.2016 he has alleged that derogatory remarks were uttered by the petitioner but in the initial statement of Kuldeep Kaur which was recorded on the date of occurrence itself and to which she herself was an eye witness no such allegations were made.

False implication of the petitioner, as such, cannot be ruled out.

Investigation having been completed and the petitioner having already suffered incarceration for a period of almost 3 months, he is held entitled to the benefit of bail.

Accordingly, the present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Tarn Taran.

It is, however, clarified that the observations contained in this order are confined only as regards considering the prayer of the petitioner for grant of bail and would have no bearing on the merits of the case.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

21.04.2016
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