

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1. CRM-M-34288 of 2016 (O&M)
Date of Decision : 28.02.2016

Pawan Kumar

....Petitioner

Versus

State of Punjab

....Respondent

2. CRM-M-1754 of 2017 (O&M)

Dharambir Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. A.K. Vermani, Advocate
for the petitioner in CRM-M-34288-2016.

Mr. Sandeep Wadhawan, Advocate
for the petitioner in CRM-M-1754-2017.

Ms. Bhavna Gupta, DAG, Punjab.

Mr. Prateek Sodhi, Advocate
and Mr. P.S. Hundal, Advocate
for the complainant.

Surinder Gupta, J.

Above-captioned petitions have been filed under Section 438 Cr.P.C. seeking anticipatory bail for petitioners Pawan Kumar (CRM-M-34288-2016) and Dharambir Singh (CRM-M-1754-2017) in case bearing FIR No. 403 dated 20.08.2016, for offence punishable under Section 364 read with Section 34 of Indian Penal Code (for short 'IPC'), registered at Police Station Civil Lines, District Commissionerate Amritsar.

2. As per allegations in FIR, Amandeep Singh Chandi was kidnapped on 19.08.2016 by three persons, who were in Innova car. The

matter was reported to the police by his brother Pardeep Singh Chandi and suspected that his brother had been kidnapped for ransom.

3. The police apprehended accused Varun Sareen, Manjit Singh, Jasinder Singh @ Jassi, Paramjit Singh, Mangal Singh and Manmohan Singh @ Mani on 20.08.2016 and recovered Innova car in which Amandeep Singh Chandi was kidnapped alongwith one Pajero car. Two mobile phones of the kidnapped person Amandeep Singh Chandi were recovered from possession of accused Jasinder Singh @ Jassi. During investigation, it was disclosed that present petitioners were also involved in the occurrence.

4. Learned State counsel and counsel for the complainant have argued that petitioner-Pawan Kumar and co-accused Jasinder Singh @ Jassi are employees of Intelligence Bureau while petitioner-Dharambir Singh is an employee of Central Bureau of Investigation. Petitioners, Pawan Kumar and Dharambir Singh, had purchased a mobile SIM card no. 9878466256 on fake identity of Rishi Sharma son of Raj Kumar, resident of house no. 50-A, Gokal Nagar, Majitha Road, Amritsar from a shop keeper. This SIM was got activated on the date of occurrence i.e. 19.08.2016 and was deactivated on 20.08.2016 in morning. During this period, several calls were made on the mobile phone of co-accused Jasinder Singh @ Jassi and Varnu Sareen. Petitioners have not only conspired the kidnapping of Amandeep Singh Chandi but also guided their co-accused in committing the crime.

5. Learned State counsel has further argued that though petitioners are not named in the FIR but they are mastermind at whose behest Amandeep Singh Chandi was kidnapped and this fact is supported by location of petitioners which was ascertained from tower location of their

mobile phones. Earlier application (CRM-M-33149-2016) filed by petitioner-Dharambir Singh, seeking anticipatory bail, has already been dismissed vide order dated 19.09.2016. It is further submitted that the police also require custodial interrogation of petitioners to connect the sequence of events as entire case is based on circumstantial evidence.

6. Learned counsel for petitioner-Pawan Kumar has argued that the plea of tower location of mobile phone of the petitioner is not relevant as he is residing in the same area where his mobile tower location was found. Intimation of abduction was given to the police 3 hours after the incident and kidnapped person was recovered on the same day after 6 hours while having snacks with the co-accused. There was no injury on his person and this plea of the complainant that kidnapped person was NRI, is also not supported by any evidence.

7. On giving a careful thought to submissions of learned counsel for parties, I find that the role of petitioners Pawan and Dharambir Singh in the occurrence is similar. Though, the police has gathered evidence in the shape of mobile tower location of petitioners and call details, still custodial interrogation of petitioners will help in completing the chain of circumstantial evidence. Allegation against petitioners is that they were guiding the co-accused, who had kidnapped Amandeep Singh Chandi.

8. Petitioner-Dharambir Singh has filed second petition (CRM-M-1754 of 2017) for grant of anticipatory bail. Learned counsel for the petitioner-Dharmabir Singh has argued that after dismissal of bail application (CRM-M-33149 of 2016), co-accused-Pawan Kumar (petitioner in CRM-M-34288 of 2016) was allowed interim bail vide order dated 16.12.2016 and other co-accused, namely, Manmohan Singh @ Mani @

Sahbi, was released on regular bail vide order dated 09.02.2017 passed by this Court in CRM-M-42260 of 2016.

9. None of the above plea raised by learned counsel for the petitioner-Dharmabir Singh make out a ground to suggest any changed circumstance. Manmohan Singh @ Mani @ Sahbi was allowed regular bail as he was a driver of vehicle in which Amandeep Singh Chandi was kidnapped.

10. Keeping in view the above facts and gravity of offence, I do not find it to be a fit case to exercise discretionary power of this Court to extend the benefit of anticipatory bail to petitioners, Pawan and Dharambir Singh.

11. Both the petitions have no merit and are dismissed.

February 28, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/Reasoned

Yes/No

Whether Reportable

Yes/No