

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

**CRM-M No.7790 of 2017
Date of Decision: 28.03.2017**

Krishan Kumar

.....Petitioner

Versus

State of Punjab

... Respondent

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. Shilesh Gupta, Additional AG, Punjab.

RAJ MOHAN SINGH, J.

[1]. Petitioner seeks anticipatory bail in case bearing FIR No.17 dated 13.02.2017 registered under Section 384 IPC at Police Station Kotfatta, District Bathinda.

[2]. The FIR was registered at the instance of Gurmeet Singh who alleged that on 13.02.2017, he was going in his Swift car after taking an amount of Rs.50,000/- from his shop. He was going to Bathinda for making balance payment of glass to Aggarwal Glass House. At about 11.30 AM, when the complainant was 2 kilometers ahead of bus stand Kotfatta and when he reached on the main road towards Kot Shamir, then towards left side of the road one Indica car of silver colour with number plate covered with mud was found standing. The bonet of the car was opened and near the car, one lady was found standing. She signalled the car of the complainant. The

complainant stopped the car ahead of Indica car and got down from the car. Complainant saw that from the car two young persons alighted and came towards him having specific identification in terms of configuration and dresses. Sikh boy after coming near the complainant started telling him the problem in the car and haircut person kept some clothes on the nose and mouth of the complainant and caught him from the back. Both of them overpowered the complainant and put him in Indica car and on the back seat, second haircut boy pulled the complainant inside and after putting the clothes on the face of the complainant, did not allow him to make any noise. Complainant became unconscious within no time and therefore, they took him away. After two hours, when complainant regained consciousness, he found himself near village Bagha Sekhu Kanchina at Refinery road. Haircut young boy and the complainant were sitting on the rear seat. Sikh young man was driving the car and on the other seat, the same lady was sitting. The car of the complainant was being driven by other person, which was coming behind the Indica car. After crossing Kanchina, they stopped both the cars and asked the complainant that he should arrange Rs.5 lacs, otherwise they will involve him in a case of rape. Thereafter, he was forced to make a call to his friend Gagandeep Singh. He asked his friend

to bring maximum amount to Talwandi Sabo as his car has met with an accident and matter has to be settled. The complainant was forced to say everything and thereafter, the complainant called Sarpanch Gurmail Singh of his village, but his telephone was found to be switched off. After some time, friend of the complainant called him and told that he had come with a cheque book and cash of Rs.30,000/- had left with Amandeep Singh. They made the complainant to call Gagandeep Singh to come to Rama Mandi near railway crossing of Baghe and thereafter, again made him to call and convey that after leaving the motorcycle near the railway crossing they should come on foot. Gagandeep Singh and Amandeep Singh told the complainant about reaching Baghe Railway Crossing and the accused persons brought both the cars and after reversing the car put them heading towards Baghe. Sikh youth asked the complainant to go with his friends. When the complainant left the place after coming down from the car, then the complainant asked haircut person to accompany him while going towards his friends, but he refused and when complainant started signalling his friends, then the accused came to know that they could be apprehended and tried to run away by sitting in the Indica car and in the meanwhile, they took away both the cars. With these allegations, the FIR came to be registered.

[3]. Learned counsel for the petitioner submitted that the petitioner has been implicated by the complainant as he was caught red handed in objectionable posture with a lady and in order to save himself, the present FIR came to be registered. The allegations are of extortion of the amount and snatching of Swift car belonging to the complainant.

[4]. Perusal of the order dated 01.03.2017 passed by the Additional Sessions Judge, Bathinda shows that the bail has been declined by presuming the petitioner to be a lady.

[5]. From the facts on record, I *prima facie* found that even though the petitioner has been treated to be a lady, but there are allegations in respect of involvement of the petitioner in taking away Rs.50,000/- and Swift car belonging to the complainant. Petitioner is accused of hatching conspiracy with co-accused for the commission of offence in question. In order to establish identity of the co-accused and to crack the case, the custodial interrogation of the petitioner is required.

[6]. In view of above, I do not see any ground to release the petitioner on anticipatory bail. The present petition is accordingly dismissed.

28.03.2017

prince

(RAJ MOHAN SINGH)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No