

CRM-M-31663-2018 (O&M)
Date of decision : 19.11.2018

.....PETITIONER

STATE OF PUNJAB

.....RESPONDENT

Present:- Mr. Amit Dhawan, Advocate for the petitioner.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

Heard.

As per the allegations in the FIR, complainant owed some money to the accused namely Amandeep Singh, Manjit Singh Sethi and Sartaj Singh. On 17.6.2018, Amandeep Singh, Manjit Singh Sethi and Sartaj Singh accompanied by 12-13 unidentified persons entered the house of the complainant. They were armed with pistols and rifles and gave beatings to the complainant & his workers. They took away two workers namely Sudhir and Vishal. On 19.6.2018, accused again came to the house of the complainant and fired at his house. They were carrying pistols and

rifles. They also gave beatings to security guard outside in the street and broke the glasses of the car and house. They have also broke the door of the house of the complainant.

Learned State counsel on instructions from ASI Kewal Singh, submits that Sudhir was left in Sector 17, Chandigarh and his statement has also been recorded wherein he has confirmed that he had been kidnapped. Vishal has not been recovered so far.

On the other hand, learned counsel for the petitioner submits that petitioner was at Una and a DVD in this regard was prepared which was handed over to the prosecution. Learned counsel for the petitioner plead *alibi*.

Learned State counsel further submits that as per the police verification, petitioner was not at Una and he is involved in the commission of crime. Victim-Vishal is yet to be recovered. She further submits that pistols and rifles are many in number which are yet to be recovered.

Learned counsel for the petitioner further contends that there is a delay of 15 days in adding the Section regarding kidnapping. Such delay is not to be considered at the time of considering the plea of anticipatory bail.

Considering the fact that weapons are to be recovered and one of the victim is yet to be recovered, it is not a case of undue hardship and therefore, there is no ground to grant anticipatory bail to the present petitioner.

Dismissed.

(KULDIP SINGH)
JUDGE

19.11.2018

preeti

Whether speaking / reasoned

Yes/No Whether Reportable:

Yes/No