

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

Crl. Misc. M-47281 of 2017 (O&M)
Date of Decision: October 23, 2018

Balvir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Gopal Singh Nahel, Advocate
for the petitioner.

Ms. Rajni Gupta, Senior DAG Punjab.

Mr. Mohd. Yousaf, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Section 438
Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.128
dated 02.11.2017, under Section 365 of Indian Penal Code, registered at
Police Station City Dhuri, District Sangrur.

Dr. Anmol Rattan Sidhu, learned Senior Advocate
appearing on behalf of the petitioner, assisted by Mr. Gopal Singh
Nahel, Advocate would contend that the petitioner herein has been

falsely implicated in the present case. It is argued that it is only on the basis of supplementary statement suffered by the complainant, that the petitioner has been nominated as an accused in the present case. It is submitted that the petitioner has neither any relationship whatsoever with the complainant's family nor he has any role to pay in the crime, as alleged. Learned Senior counsel relied upon judgment rendered in *Rashmi Rekha Thatoi vs. State of Orissa, (2012) 5 SCC 960*.

Per contra, learned counsel appearing on behalf of the respondent-State, on instructions from the Investigating officer as well as complainant oppose the grant of anticipatory bail to the petitioner, while submitting that there are serious allegations that have been levelled against the petitioner.

I have heard learned counsel for the parties and perused the record of the case.

As per the contents of the FIR, the complainant got lodged the aforesaid FIR while *inter alia* submitting that after the husband of her daughter Kamalpreet Kaur, who was serving in the Army, died on 24.05.2016, she started residing with the complainant along with her daughter Arshpreet Kaur. On 30.10.2017 at about 10.00 a.m. Kamalpreet Kaur left her house to pay obeisance at Shaheedan Di Than on the day of Dasmi, but when she did not return till 3.00 p.m., then the complainant made a phone call to her, but her mobile was switched off. Thereafter, complainant enquired from her relatives telephonically, but to no effect. In the FIR, the complainant apprehended that someone had kidnapped Kamalpreet Kaur. Thereafter, in her supplementary statement,

the complainant had alleged that on inquiry, she and her family came to know that Balvir Singh used to visit their village and he had developed illicit relations with her daughter Kamalpreet Kaur. The police investigation shows that when Kamalpreet Kaur went missing, her last three calls were made to accused Balvir Singh. Further, there is also a statement of Arshpreet Kaur daughter of Kamalpreet Kaur recorded under Section 161 Cr.P.C. that on 29.10.2017 her mother Kamalpreet Kaur received a phone call from Balvir Singh and the said Balvir Singh had a fight with her mother on phone and thereafter, her mother started weeping. Arshpreet Kaur further stated that on 30.10.2017 Balvir Singh also came to their house and took meal there. He was saying that he would go with her mother to Fatehgarh to pay obeisance.

There are specific allegations that have been levelled against the petitioner herein that when Kamalpreet Kaur went missing, her last three calls were made to the petitioner and whereabouts of the petitioner were also not known. As on date, the whereabouts of Kamalpreet Kaur are not known. The grant of anticipatory bail is a discretionary relief. The conduct of the petitioner and gravity of the offence committed has to be seen as well. In view of the peculiar facts and circumstances of the present case and the gravity of the allegations levelled against the petitioner herein, this court is of the considered view that no ground is made out to grant the relief of anticipatory bail to the petitioner. Accordingly, the petition in hand is hereby dismissed, being devoid of any merits.

However, anything observed hereinabove shall have no

affect on the merits of the case, which is only for the purpose of deciding the anticipatory bail application.

October 23, 2018
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No