

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 9705 of 2018 (O&M)

Date of decision : 23.3.2018

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Amiteshwar Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Munish Gupta, Advocate
for the petitioner.

Mr. Saurav Khurana, Deputy Advocate General,
Punjab.

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H. S. Madaan, J.

This application for pre-arrest bail has been filed by petitioner Amiteshwar Singh, an accused in FIR No. 77 dated 3.4.2017 for offences under Sections 365, 323, 382, 506, 120-B IPC and Section 411 Cr.P.C. (added later on), registered at Police Station Sadar Jalandhar, District Jalandhar.

Briefly stated, facts of the case as per the prosecution story are that on 3.4.2017 complainant Sukhpal Singh s/o Sarabjit Singh r/o House No. 2, Guru Amardass Colony, Alipur Mithapur Road, Jalandhar, at about 6.00 A.M. was going on his motorcycle

towards bus stand to board a bus for going to Chandigarh, when he was there in the area of village Alipur Road., then five young persons in Honda City car surrounded him and started giving him beatings and kidnapped him in the car throwing him out near Chaggitti, after making him un-conscious. They also snatched two mobile phones, purse and motorcycle from the complainant. The culprits included Anmol @ Mithu, Gagandeep and Gurwinder, besides two boys. Anmol and Gagan were talking with Ramandeep Singh and Gurwinder Singh of America through video call. Ramandeep Singh @ Lalli was stating that since he had performed love marriage with his sister, as such he was to be taught a lessor. The complainant injured was taken to Jamsheer Hospital by some passerby, from where he was referred to the Civil Hospital. He was medico legally examined and then FIR was registered on the basis of the statement made by the complainant to the police.

After registration of the case, the matter was investigated. Accused Surinder Singh during the course of interrogation disclosed that the Honda City car used in the incident belong to Amiteshwar Singh, the present petitioner, and was being driven by Amiteshwar Singh at that time. In that way he had taken an active part in the incident. Though learned counsel for the petitioner submitted that car was not in the name of the petitioner, but his brother, who has got it released on supardari. But then petitioner can very well have used the car of his brother, driving it himself with other culprits as occupants of the car, when the crime was committed.

He had earlier moved an application for pre-arrest bail

before the Court of Sessions, which was assigned to Additional Sessions Judge, Jalandhar. It was dismissed vide order dated 22.2.2018, as such he has approached this Court craving for the same relief.

Custodial interrogation of the petitioner is necessary for the complete and effective investigation of the case, to reveal the complete story, as to how the conspiracy was hatched and executed. In case custodial interrogation of the petitioner is denied to the Investigating Agency, that would leave many loose ends and gaps in the investigation, affecting the investigation being carried out adversely, which is uncalled for. Finding no merit in the petition, the same stands dismissed.

23.3.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No