

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

**Crl. Misc. No.M-21895 of 2018 (O&M)
Date of Decision: July 09, 2019**

Lakhvir Singh @ Lakhi Kingra

.....PETITIONER(s).

VERSUS

State of Punjab and another

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Mansur Ali, Advocate
for the petitioner (s).

Mr. Arpinder Singh Sidhu, AAG Punjab.

Mr. G.S. Brar, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.51 dated 03.04.2018 registered for the offences punishable under Sections 364 read with Section 34 of Indian Penal Code (for short-IPC) and 25 of Arms Act, at Police Station City Muktsar.

As per the allegations in the FIR, petitioner along with other persons were facing trial for causing injuries to Jagtar Singh son of Naib Singh in case registered against them at Police Station Gidderbaha on 28.10.2015. In that case, challan had been presented and the next date was fixed as 06.04.2018 for recording of evidence. On 03.04.2018 at about

Gidderbaha to take medicine. Lakhvir Singh and his brother Sukha Singh had noticed the complainant taking bus for Sri Muktsar Sahib. On arriving at Bus Stand Sri Muktsar Sahib at about 12.15 p.m., complainant proceeded towards Dr. Sandhu's Hospital and reached near Bohar Singh Wali Gali. A white coloured Etios car came from his back side and stopped after taking turn towards Bohar Singh Wali Gali. Lakhvir Singh @ Lucky Kingra and two unidentified persons stepped out from the car. Lakhvir Singh and one of his accomplice were armed with pistols and second accomplice was armed with 'baseball'. Lakhvir put his pistol at the temple of complainant and proclaimed to teach him a lesson and declared that if the complainant deposed against him, he will be killed and thrown in the canal. He was further threatened not to raise 'Raula' to avoid his killing at that place. They put the complainant in their car and proceeded towards Abohar. Several persons witnesses the occurrence and raised 'Raula'. Two cars followed the car of Lakhvir Singh. One of the unidentified person wanted to fire on the cars following them but Lakhvir Singh stopped him not to fire. He stopped the car, threw the complainant out of the car and then fled away towards Abohar side. The persons following the car of Lakhvir Singh stopped their car and inquired the entire matter from him. They disclosed their names as Prabhjot Singh son of Rajinder Singh, resident of Chak Jawaharke Wala and Harmeet Singh son of Beant Singh, resident of Barkandi. They brought the complainant to the bus stand.

Learned counsel for the petitioner has argued that allegations against the petitioner have been levelled at the behest of local MLA, who wanted to prevent the petitioner from participating in the tender process

fixed for 03.04.2018. The allegations against the petitioner are that he along with his associates had kidnapped the complainant in their car and then dropped him at some distance. The version in the FIR is not at all probable. In case, the petitioner had to kidnap the complainant, he had not released him after some distance. This version of the complainant that he was kidnapped to prevent him from appearing as witness in case FIR dated 26.10.2015 registered at Police Station Gidderbaha for the offences punishable under Sections 307, 325, 295-A, 336, 148, 149 IPC is also false as the complainant had not appeared as witness in that case. This Court vide order dated 25.10.2018 has directed the trial Court to ensure his presence as witness.

Learned State counsel has argued that in the earlier case registered against the petitioner, complainant had to appear as witness on 06.04.2018. Due to this reason, he was kidnapped on 03.04.2018. The petitioner and his associates had tried to kidnap the complainant at Muktsar in their car but could not succeed as their act of kidnapping was witnessed and some people followed them. All the locations of the petitioner as per the allegations in the FIR are duly proved from their call details. The incident had taken place at Muktsar while the local M.L.A. alleged to be involved in the case is stated to be of Gidderbaha. On 03.04.2018, petitioner had even gone to the office of DFSC, Sri Muktsar Sahib and shown him pistol and he had also made a report to Deputy Commissioner, Sri Muktsar Sahib. The petitioner has joined the investigation and the weapon used for the offence and the car have since been recovered from his possession but his custodial interrogation is still required for the arrest of

the other occupants of the car and pre-arrest bail in such a heinous crime will convey a wrong signal to the society.

The version of the petitioner that present FIR is the result of political vendetta against him cannot be accepted at this stage. It is evident that DFSC Sri Muktsar Sahib vide his letter Annexure P-6 has intimated the Deputy Commissioner about wielding of pistol by petitioner in his office. The text of the letter Annexure P-6 is as follows:-

“Regarding the above mentioned subject, it is being brought to your notice that on 03.04.2018 Shri Lakhvir Singh, tenderer came in the Office of District Food and Supply Controller regarding his tender and asked about the documents regarding the tender. Thereafter, he took out one pistol from his bag and showed it to us and said that it worth Rs.22 lacs. He further told that he always keep the said pistol with him.

You are therefore requested that action be taken against lakhvir Singh for showing the said pistol and we be granted the weapon licence for self defence.”

Learned counsel for the petitioner submits that this letter was written by DFSC under political influence.

I find no reason for DFSC to write such a letter to the Deputy Commissioner under some political influence. The allegations against the petitioner are quite serious, and the case in question requires to be thoroughly investigated before presenting the final report, which requires custodial interrogation of the petitioner. I agree with the submissions of learned State counsel that granting of pre-arrest bail to the petitioner will convey wrong signal to the society.

Keeping in view the above facts and circumstance and gravity

of offence, I do not find any reason to exercise the discretionary power of

this Court to extend the benefit of anticipatory bail to the petitioner.

This petition has no merits. Dismissed.

July 09, 2019
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*