

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Date of decision : July 19, 2019

1. Criminal Misc. No. M-21725 of 2019 (O&M)

Vijay Kumar

....Petitioner

versus

State of Punjab

....Respondent

2. Criminal Misc. No. M-21036 of 2019 (O&M)

Gurjeet Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. D.K.Sihag, Advocate for petitioner-Vijay Kumar

Mr. Gaurav Sharma, Advocate for petitioner-Gurjeet Singh

Mr. Harbir Sandhu, AAG, Punjab, for the State with
ASI Balwinder Singh, PS Sri Muktsar Sahib

Fateh Deep Singh, J. (Oral)

Since the above detailed regular as well as anticipatory
bail applications of accused petitioner Vijay Kumar and Gurjeet Singh

respectively have arisen in the same very FIR are being taken up together for disposal.

The brief allegations in this case have come about by Ajay Pal Singh brother of the victim alleging that on 25.1.2019 marriage of his sister was to be solemnized for which he had dropped her at a Beauty Saloon who was accompanied by another cousin of the petitioner Harmjit Kaur. While the complainant was leaving, two vehicles came and stopped the vehicle of the complainant out of which six young men came out who were identified as accused non-applicant Talwinder Singh @ Dhinda, Yadwinder Singh @ Jadu accompanied by four unknown persons out of whom subsequently the present petitioners were identified being Vijay Kumar and Gurjeet Singh. These persons entered the Beauty Parlor and forcibly kidnapped the sister of the complainant and when the complainant tried to resist, he was threatened at pistol point and thereafter these persons kidnapped and ran away from the spot in their car and while going had snatched mobile phone of Harmjit Kaur. The complainant alleged that on earlier occasions accused Talwinder Singh alias Dhinda had been threatening him that he will abduct his sister. When the police swung into action, the girl was got recovered and some of the accused were got arrested. The girl in her

statement disclosed that accused Talwinder alias Dhinda on prior occasions had been following her against whom she had moved the local police where he was reprimanded and the matter was settled and has attributed specific role to each and every accused in this abduction and had threatened the victim to enter into a wedlock with Talwinder Singh.

Mr. D.K.Sihag, Advocate for petitioner-Vijay Kumar has argued that petitioner is behind the bars since 13.4.2019 and that he has neither been named in the FIR nor any test identification parade has been got conducted and there is no specific role attributed to him in the commission of the offence.

Mr. Gaurav Sharma, Advocate for petitioner-Gurjeet Singh has argued that it was not a case of custodial interrogation of the accused-petitioner Gutjeet Singh as nothing is to be recovered.

On behalf of the State, the prayer is sought to be strongly opposed on the grounds that the accused who are known to each other and hatched a conspiracy and in furtherance of the same duly armed with deadly weapons upon keeping tag on the movements of the victim had kidnapped her and under threat tried to marry her with one of the accused and therefore, in view of the seriousness of the allegations dis-entitles the petitioners to any relief.

Appreciating the submissions as is there in the allegations prior to this occurrence, one of the accused Talwinder Singh had been threatening the complainant for abducting his sister and which they did when her marriage was fixed. The manner in which all the accused have given effect to this bizarre incident, the adverse impact it has on the society as well as the personal life of the victim and that of her family members are matters of serious concern together with the fact that the case is at initial stage and the apprehension of the State that if released on bail/given concession of anticipatory bail, the accused would be emboldened and might stifle the trial in such a serious matter is certainly not unfounded. This Court in view of these circumstances do not feel it appropriate to grant prayer made in the two applications which both stand declined and dismissed.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail applications.

July 19, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No