

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40351-2019 (O&M)

Date of decision: 27.09.2019

Harinder Pal

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

Mr. B.S. Jaswal, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.48 dated 13.08.2019 under Sections 302, 201, 34, 120-B IPC, registered at Police Station Verka, District Amritsar.

As per allegations in the FIR, registered on the statement of Baljit Singh, his son Prabhkirat Singh, aged about 16 years, was a student of 11th class. On 13.08.2019, he was going to school along with his bat to play cricket, on his Activa scooter, but he did not return home. The complainant searched for him but could not find. Later on, the complainant came to know that Deepu @ Harjinder Pal along with his brothers Vicky, Ajay and Gobind, who are sons of a lady namely Billo, have kidnapped his son in a Maruti car and have committed his murder and had thrown his body in Fatehgarh Shukar Chak

Canal. His body was taken out from the canal and was taken to hospital, where he was declared brought dead.

Learned counsel for the petitioner submits that four persons were nominated in the FIR i.e. Gautam Soni @ Deepu, Jatin @ Vicky, both sons of present petitioner Harjinder Pal, Narain Singh @ Ajay and Shiv Kumar @ Popu. It is further submitted that both sons of the petitioner were taken by the police on 12.08.2019 and thereafter, the police issued a Press Release that three persons were arrested and two accused are missing. Learned counsel further submits that thereafter, wife of the petitioner filed CRWP-713-2019, praying for release of the detenues and it came to the notice that Jatin was arrested and produced before the Court. It is also submitted that even CRM-M-35781-2019 has been filed for proper investigation of the case and the same is pending. It is thus argued that since the petitioner was not named in the FIR, he may be granted the concession of anticipatory bail.

In reply, learned State counsel, on instructions from ASI Lakhwinder Singh and assisted by learned counsel for the complainant, has opposed the prayer for bail on the ground that in fact, minor son of the complainant, namely Prabhkirat Singh, aged about 16 years, was kidnapped by the accused persons, in order to extort ransom from the complainant and his wife, who are Govt. Teachers and in that process, they murdered him and had thrown his body in a canal. Learned State counsel has submitted that during the investigation, son of the petitioner suffered a disclosure statement regarding involvement of the petitioner in the commission of crime and similarly, another co-accused has also made a disclosure statement that it is the petitioner, who has encouraged them to commit such heinous crime, for the purpose of getting

ransom and the petitioner himself has demanded ransom and therefore, conspiracy of the petitioner with his sons and other accused, is surfaced during the investigation. It is further submitted that even scooter of the deceased, bat, mobile phone and other articles were recovered from the co-accused, in pursuance to their disclosure statement, which indicate their direct role in committing the heinous crime of murdering a young boy. It is also submitted that the accused persons are addicted to intoxicants and in order to extort money from the complainant, they have committed the heinous crime, in conspiracy with each other.

After hearing learned counsel for the parties, considering the serious allegations in the FIR, I do not deem it appropriate to grant anticipatory bail to the petitioner, as his custodial interrogation is required for ascertaining his role in the conspiracy.

Accordingly, the present petition is dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

27.09.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No