

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-12924-2020 (O&M)
Date of Decision:-23.9.2020

Gurpreet Singh @ Bhoda

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Saurav Bhatia, Advocate for
Mr. S.S. Rangi, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.96 dated 7.4.2019 at Police Station City, Kharar, District SAS Nagar under Sections 365, 323, 148 and 149 of Indian Penal Code.
2. The FIR in question was lodged at the instance of Devinder Singh, wherein it has been alleged that he is into transport business and that on 5.4.2019 one of his tipper bearing registration No.PB-05-1171, which was being driven by Satpreet, was present near KFC, Kharar. It is alleged that Gurpreet Singh @ Bhoda (petitioner), his nephew Manpreet, Jasbir Singh and his son Aman, Moli and his son alongwith 2-3 unidentified persons came in Verna and Safari vehicles. It is alleged that Gurpreet Singh @ Bhoda (petitioner)

alighted from his car and climbed on the tipper from the driver side and forced the tipper's driver to stop the tipper. When the tipper's driver stopped his vehicle, then Gurpreet Singh @ Bhoda told the said driver to inform his boss that the tipper had struck into a car and that he should come at the spot. Upon receipt of said information, when the complainant alongwith Gurvinder Singh went near the Police Station Sadar, then Gurpreet Singh @ Bhoda, Manpreet Singh, Jasbir Singh, Aman, Goldy and his son and other 2-3 unidentified persons came out of their vehicles and started quarreling with the complainant and Gurvinder Singh and that in the said process a chain worn by Gurvinder Singh was lost. It is alleged that all the accused gave beatings to the complainant and forced him inside the Verna car and took him to Village Chapper Chiri. It is alleged that Simran, his brother and father took him inside their house, from where the complainant managed to escape but he was again caught by the accused and later on thrown near Dara Studio.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that, in any case, at best it would be a case of causing of simple injuries.
4. Opposing the petition, the learned State counsel has submitted that the petitioner is specifically named in the FIR and since serious allegations as regards abduction of the complainant have been levelled, no case for grant of anticipatory bail is made out. The learned State counsel has, however, informed that the petitioner, pursuant to interim directions, has since joined investigation.
5. Having regard to the facts and circumstances of the case and while bearing in mind that it is a case of causing of simple injuries, it would be debatable as to

whether it is indeed a case where the complainant had been abducted. In any case, since the petitioner has already joined investigation, custodial interrogation of the petitioner is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 27.5.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

23.9.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No