

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

106

CRM-M-15679-2020

Date of Decision: 18.06.2020

Amarjit Singh and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr.L.S.Sidhu, Advocate
for the petitioners

Mr. Bhupender Beniwal, AAG, Punjab

Amol Rattan Singh, J. (Oral)

All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioners seek the concession of anticipatory bail upon FIR No.44, dated 14.03.2020, having been registered at Police Station Dharamkot, District Moga, against them, alleging therein the commission of offences punishable under Sections 365/323/353/186/506/149 IPC.

Mr.Sidhu, learned counsel for the petitioners, submits that the petitioners have all been roped in only because they are relatives of the husband of the lady whose child is alleged to have been kidnapped(as per the allegations), whereas actually they have nothing to do with the occurrence at all. He further submits that in any case none of them has been identified in the FIR, which therefore shows that they have been falsely roped in.

Notice of motion is issued to the respondent-State, with Mr. Bhupender Beniwal, learned AAG, Punjab, accepting notice at the asking of the court, with him having received an advance copy thereof.

Mr. Beniwal submits that as per the instructions received by him, the petitioners were amongst the eight to ten people who are alleged to have assaulted the complainant who is a government teacher, he having witnessed the occurrence of the petitioners and their co-accused kidnapping a child from the arms of a lady and having tried to rescue her, and therefore there would be no reason for their false implication, especially as the school teacher/(complainant in the FIR) did not know them.

Upon query to Mr. Beniwal as to how the petitioners are identified, as no names were given in the FIR because the complainant did not recognize any of the assailants/those who took away the child (as alleged), he submits that the victim (lady) is the wife of one of the assailants, i.e. the lady from whose custody the child was taken, who identified them, they being relatives of her husband.

In rebuttal, Mr. Sidhu submits that if the lady was actually present there, then it would be she who should have been the author of the FIR as her child had been taken away, and consequently the petitioners cannot be arraigned as accused simply on the statement of a teacher who claims to be a witness.

Having considered those arguments but without making any comment on the merits of the case, I do not agree with learned counsel for the petitioner as regards the contention that it should have been the lady

whose child was allegedly kidnapped, who should have been the natural author of the FIR, because the allegations of the complainant in the FIR is that he was assaulted upon him trying to rescue the lady, (because he being a government teacher could not stand by and see a lady being assaulted).

Hence, for the purposes of this petition at least, I am of the opinion that the FIR has been very naturally lodged and in view of the fact that the lady whose child was allegedly kidnapped (as per the allegations), subsequently identified them before the police, there is no reason to entertain this petition which is consequently dismissed.

However having said that, it is made absolutely clear that this court has not made any observation on the merits of the case, which would obviously be subject matter of the evidence to be considered by the trial court, with the observations of this court only being in the context of this petition by which the petitioner seeks bail.

18.06.2020

neenu/nitin

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes/No**Whether reportable: Yes/No**