

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-20781 OF 2020 (O&M)
Date of decision : July 29, 2020

Kuldeep Singh and others

....Petitioners

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Parampreet Singh Paul, Advocate, for the petitioners
Mr. H.S.Sullar, Sr. DAG Punjab for the State

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19.

Petitioners Kuldeep Singh, Gurbaj Singh, Gurpreet Singh son of Himmat Singh and Gurpreet Singh son of Mewa Singh have sought this first anticipatory bail in case FIR No. 58 dated 17.10.2019 under Sections 323, 342, 365, 382, 34 IPC and Section 324 IPC added lateron, Police Station Bhagwantpur District

Rupnagar.

The allegations against the petitioners cropped up from the averments that the political party of the complainant and wife of one of the accused Kuldeep Singh had contested Panchayat elections against each other in which the complainant side had to face the defeat. A case was filed before the Deputy Commissioner, Rupnagar and in which the complainant was to testify on 15.10.2019. The complainant alleged that while he was going on the said date on his motorcycle No. PB-12X-5998 and has stopped to ease himself when he was surrounded by four persons who came in a car and have identified them as petitioner Gurbaj Singh who placed pistol on the chest of the complainant and accompanied by petitioners Kuldeep Singh, Gurpreet Singh son of Himmat Singh and forcibly the complainant was kidnapped and taken away in a car to a Petrol Pump where he was confined and assaulted. The accused are alleged to have snatched mobile of the complainant. It is on the basis of these allegations, the present case has come about.

Learned counsel for the petitioners inter-alia contends that it was false implication of the petitioners on account of admitted political rivalry. Counsel for the petitioners asserts that it is a no injury case and after more than nine months, the police has

suddenly woken up and initially did not act into the matter and at this belated stage nothing is to be recovered.

Learned State counsel after getting instructions does not displace the facts but has opposed the grant of bail in view of the heinousness of the offence and the fact that it is the own admission of the two sides including the petitioners as to that on the date of alleged occurrence, the complainant was to testify in a case regarding these elections and therefore, prayed that custodial interrogation is very much essential to recover the weapon.

Going through the submissions, the parties have history of political rivalry. The Panchayat elections result of which has gone against the complainant side is under challenge. It is a no injury case and at this belated stage of almost nine months, the futility of the claim of the State that custodial interrogation is essential to recover the weapon appears to be highly erroneous. Joining the investigation by the petitioners would suffice the purpose.

In view of the aforesaid, the present petition is allowed. In the event of arrest, the petitioners shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioners shall, however, join the investigation as and when called for and shall also

abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, the petitioners will be permitted to furnish regular bail bonds to the satisfaction of the trial Court. Presently, the petitioners are directed to join investigation within 15 days days of the receipt of the copy of order.

The present petition stands disposed of.

July 29, 2020
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No