

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

**CRM-M No.21681 of 2021
Date of Decision:-24.08.2021**

Guriqbal Singh

.....Petitioner.

Versus

State of Punjab

.....Respondent.

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. G.S. Brar, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case pertaining to the FIR bearing No.75 dated 28.03.2021 registered at Police Station Division No.3, Ludhiana, under Sections 379-B, 365, 171 read with Section 34 IPC and Section 25 of the Arms Act, wherein the offence under Section 392 IPC is stated to have been added later-on, the petitioner has moved this petition for seeking the relief of anticipatory bail.

Bereft of unnecessary details, the allegations, as levelled in the subject FIR, are that complainant Amar Singh, was employed as driver on the truck bearing registration No.PB-11-AR-8632. While he was on his way from Mandi Gobindgarh, he was kidnapped by some persons pretending themselves to be the officials of Taxation Department and they

took away his truck loaded with 2 tons, 1 quintal and 40 Kgs. iron rods while dropping him at Samrala round-about.

Reply, filed on behalf of the respondent-State by way of the affidavit of Assistant Commissioner of Police (Central), Ludhiana, is already available on the file and is taken on the record.

I have heard learned counsel for the petitioner as well as learned State counsel in this petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that there is a delay of more than 12 hours in lodging the FIR and moreover, the name of the petitioner does not find mention therein and even otherwise, no recovery is to be effected from him (petitioner) and in these circumstances, he deserves the relief as prayed for in this petition.

Per contra, learned State counsel argues that the petitioner had actively participated in the crime and the representative of the company, owner of the iron rods loaded in the truck, has nominated the present petitioner as one of the accused in this case and the weapon of offence, i.e a pistol like weapon, is yet to be recovered from the petitioner and it being so, the present petition deserves dismissal.

As regards the contention qua the delay in lodging the FIR, the same can and shall be looked into and adjudicated by the trial Court at the appropriate stage after appreciating and evaluating the evidence as would be led on the record during the trial proceedings. Further, though the name of the petitioner does not find mention in the afore-said FIR but however, it

has been mentioned in para 2 of the said reply that the representative of the company (owner of the iron rods loaded in the said truck), has made a statement nominating the petitioner as an accused in this case. The veracity of the said statement can also not be looked into at this stage and rather, it would again be a subject matter for consideration and determination by the trial Court at the relevant stage. To add to it, it has also been mentioned in para 4 of the reply that the weapon and the car, used in the alleged commission of the offence, are yet to be recovered from the petitioner. In such circumstances, the possibility of the requirement of the custodial interrogation of the petitioner for the said purpose cannot be ruled out. To cap it all, the petitioner is involved in 4 more criminal cases as detailed in para 5 of the reply.

Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he does not deserve the relief of anticipatory bail.

Resultantly, the petition in hand stands dismissed accordingly.

However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

August 24, 2021
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*