

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

Criminal Misc. No.M-17295 of 2022(O&M)

Date of Decision: April 27, 2022

Ranbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Arn timer Sood, Advocate
for the petitioner.

Mr.B.S.Sewak, Addl.AG, Punjab.

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HARINDER SINGH SIDHU, J.

Ranbir Singh – petitioner apprehending his arrest in case FIR No.249 dated 10.12.2021 under Sections 363, 365, 454, 120-B IPC (Later on Section 212 IPC also added), Police Station Dasuya, District Hoshiarpur, has filed the present petition under Section 438 CrPC for anticipatory bail.

The FIR was registered on the statement of one Sukhwinder Kaur, who alleged that on 10.12.2021 at about 12.30 PM, she along with her grand-son Balnoor Singh, aged 9 years, was present in her house. Two persons alighted from a Swift car in front of the gate. They rang the door bell. When the complainant came out, both the persons told her that a case of her daughter-in-law is pending and they have to get signatures of her son. She came inside the house to call her husband. In the meantime, both the aforesaid persons, who were wearing *Khakhi* turbans and having muffled

faces asked her grand son to control their dog. Her grand-son put the dog in the cage. Then two more persons alighted from the car . They forcibly took the minor child Balnoor Singh with them. The entire incident was recorded in the CCTV Camera installed outside their house. She alleged that her daughter-in-law Harmeet Kaur has illicit relations with one Ranbir Singh (petitioner). Both of them in connivance with 4-5 other unknown persons had kidnapped her grand son.

Ld. counsel for the petitioner contends that the petitioner has no concern with the alleged crime. He is not seen in the CCTV footage. There is a matrimonial dispute between Harmeet Kaur (co-accused) and her husband Amritpal Singh (son of the complainant). Both the parties have filed various cases against each other, which are pending. The child was recovered from his mother Harmeet Kaur and his custody restored back to his father. Referring to orders (Annexures P-3 and P-4) it is contended that similarly situated co-accused, namely Jujhar Singh and Gurjant Singh have already been given the concession of Anticipatory bail.

Mr.B.S.Sewak, Ld. Additional Advocate General, Punjab while opposing the petition, has submitted that the child was recovered on 16.12.2021 from Harmeet Kaur. After recovery, the statement of the child was recorded by Sub- Divisional Judicial Magistrate, Dasuya. Mr.Sewak has produced a copy of said statement. Ld. Additional Advocate General has further stated that there are 17 cases registered against the petitioner, including four under Section 307 IPC, one under Section 308 IPC and other under Sections 364, 325, 324 etc. IPC and Arms Act.

A perusal of the statement of Balnoor Singh (the minor) reveals

that he was abducted from his house by some persons. They took him in a white colour Swift car. They stuffed an handkerchief in his mouth to prevent him from screaming. They thereafter changed the vehicle. The child was made to sit in the vehicle which was being driven by the petitioner. The mother of the child was also in the said vehicle. The petitioner tied his hands. The child stated that his mother had lied to him that the vehicle was being driven by a driver uncle. In fact, it was the petitioner, who is a gangster. They took him to a hotel. There, he was kept in a room for 15-20 minutes. The petitioner thereafter left. He returned after some time. The child was then taken in the vehicle to Dinanagar. They went to a hotel, where, they removed the handkerchief from his mouth and untied his hands. The child stayed in the hotel along with his mother. The next morning, the petitioner arrived. He was carrying a gun. The petitioner told the child that a video was to be prepared and that he should say that he was safe and happy with his mother. Out of fear the child get the video recorded as directed by the petitioner. Thereafter, the petitioner took the child to another hotel, where they stayed for one day. Next morning, the petitioner came in a black coloured SUV. He was accompanied by some '*Nihangs*'. Thereafter, the child was taken in the same vehicle to village Mehta. One of the '*Nihangs*' tried to ask the petitioner as to whether he wished to stay with his mother or father. He did not give a direct reply as he feared that in case he stated that he wanted to stay with his father, he may be killed. They stayed there for one day. Thereafter, the Police raided the place and recovered him.

From the above, it is clear that the petitioner was actively involved in the kidnapping of the child. Every effort was made by him to

force the child to state that he wished to stay with the mother. The child was traumatized by the conduct of the petitioner who was carrying a Gun. The child was taken to various places against his wish. His case, thus, is in no way similar to co-accused Gurjant Singh and Jujhar Singh.

Having considered the above facts and circumstances, the petitioner does not deserve the concession of anticipatory bail.

Dismissed.

Nothing expressed hereinabove shall be construed as an expression of opinion on the merits of the matter.

April 27, 2022

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No