

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

CRM-M-51287-2022 (O&M)

Date of Decision:-21.11.2022

Rajesh Kaura @ Vicky Hathori

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ravi Malhotra, Advocate for the petitioner.

Ms. Swati Batra, DAG, Punjab,
assisted by SI Balbir Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.0190, dated 7.10.2022, Police Station Salem Tabri, District Ludhiana, under Sections 363, 365, 506, 34 of Indian Penal Code.
2. The FIR was lodged at the instance of Pappu Sahni, wherein it is alleged that Vicky Hathori and his companions were on visiting terms. It is alleged that on 2.10.2022, when the petitioner was present at his scrap shop, Vicky Hathori called him out of the shop. Shortly thereafter a black coloured car came there and two persons alighted from the said car and forcibly pushed the complainant inside the car. The complainant has alleged that there were four persons in the car including the driver and that while he did not know the driver but the remaining three persons were Rohit, Panda and Vicky

Hathori. The accused are alleged to have given beatings to the complainant in the car itself and later the complainant was kept confined in the house of Vicky Hathori on the first day and thereafter in the house of Rohit on second day and thereafter in the house of Panda on the 3rd day. It is alleged that the aforesaid accused, who were into stealing cylinders at large scale, tried to force him to associate with them for the purpose of committing thefts and when the complainant refused to do so, they extended threats to kill him.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that the allegations of alleged abduction have been cooked up. It has further been submitted that although the allegations are to the effect that the complainant had been given beatings, but there is no evidence to this effect.
4. Opposing the petition, learned State counsel has submitted that the petitioner has a chequered record and stands involved in six other cases and that since the petitioner alongwith his companions was forcing the complainant to join them and to commit offences, no case for grant of bail is made out.
5. This Court has considered the rival submissions.
6. Having regard to the nature of allegations and the manner in which the allegations have been levelled that complainant was beaten up and that each of the three accused kept the complainant confined for one day each, whereas there is no evidence as regards any beating, this Court is of the opinion that it is a fit case for grant of anticipatory bail. The petition, as such, is accepted and it ordered that the petitioner, in the event of arrest, be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the

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.

21.11.2022
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No