

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-54706-2021

Date of decision : 02.02.2022

Gurwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Impinder Singh Dhaliwal, Advocate
for the petitioner.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.238 dated 01.12.2021 registered under Section 365 IPC at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

On 04.01.2022, this Court was pleased to pass the following order:-

“Learned counsel, inter alia, contends that the petitioner is not involved in the present case as there is no motive with him to have abducted Saroop Singh @ Bhupa. It is further submitted that in fact the said Saroop Singh @ Bhupa has been working with the present petitioner for the last several years and is very dear to him. It is also submitted that even as per the FIR, it has been submitted that on 23.11.2021 at about 9.00 PM, the petitioner again went to the house of the complainant

and told the daughter-in-law of the complainant that the petitioner along with Saroop Singh @ Bhupa had to go to Shekh Fatta in the morning to which daughter-in-law had replied that Saroop Singh @ Bhupa had not come back to home. It is also submitted that in case the petitioner had kidnapped the said Saroop Singh @ Bhupa, he would not be gone back to the house of the complainant. It is further submitted that there is a delay of seven days in registration of the present FIR inasmuch as the incident was of 23.11.2021 and the FIR has been registered on 01.12.2021. It is further submitted that the petitioner is not involved in any other case and that as per the instructions, in fact the said Saroop Singh @ Bhupa had an affair with one widow lady of the same village and there is a big chance that he has gone out with the said lady and the said fact should be investigated by the police.

Adjourned to 24.01.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Balwant Singh, has submitted that although the petitioner has joined the investigation but still the petitioner is not disclosing the whereabouts of Saroop Singh @ Bhupa.

Learned counsel for the petitioner, in rebuttal, has submitted

that the petitioner is not aware of the whereabouts of Saroop Singh @ Bhupa and the petitioner had no motive to kidnap Saroop Singh @ Bhupa and in case the petitioner knew the whereabouts of said Saroop Singh @ Bhupa, the petitioner would have disclosed the same to the police. It is further submitted that said Saroop Singh was working with the petitioner for the last several years and even as per the FIR, the petitioner had gone to the house of the complainant and had told the daughter-in-law of the complainant that the petitioner along with said Saroop Singh @ Bhupa, had to go to Shekh Fatta in the morning, to which the daughter-in-law had replied that said Saroop Singh @ Bhupa had not come back. It is reiterated that in case the petitioner had kidnapped the said Saroop Singh @ Bhupa, he would not have gone to the house of the complainant. It is also submitted that the present petitioner is not involved in any other case and there is also delay of 7 days in the registration of the present FIR. Learned counsel for the petitioner has also reiterated the fact that the said Saroop Singh @ Bhupa had an affair with one widowed lady of the village and there is a possibility that he had gone out with the said lady. It is also argued by learned counsel for the petitioner that even before registration of the FIR, the police had picked up the petitioner and had kept the petitioner in illegal confinement for 5 days, yet nothing had come out to implicate the petitioner and even now since the petitioner does not know the whereabouts of Saroop Singh @ Bhupa, thus, nothing could possibly be extracted from the present petitioner.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 04.01.2022 and also the fact that the petitioner has joined the investigation, the present

petition for anticipatory bail is allowed and the interim order dated 04.01.2022 is made absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

February 02, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No