

**204-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-13072-2023
Date of decision: 12.05.2023**

GURWINDER SINGH @ FAUJI

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Harkaran Singh, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI,J. (ORAL)

1. On 16.03.2023, the following order was passed:-

“The petitioner is seeking anticipatory bail in the case bearing FIR No. 0008 dated 20.01.2023 under Sections 365, 120-B (Section 328 IPC added later on) registered at Police Station City Morinda, Rupnagar.

Learned counsel for the petitioner contends that the allegations against the petitioner are with regard to abduction of Gautam Gupta. It has been submitted that the alleged occurrence is stated to have taken place on 15.01.2023. In fact, on that very day, Gautam Gupta was arrested by the police in a case bearing FIR No.93 dated 19.09.2022 (sic. FIR No.07 dated 15.01.2023) under Section 21 of NDPS Act, registered at Police Station Bassi Pathana, District Fatehgarh Sahib as heroin was recovered from him. Gautam Gupta was drug addict and even at the earlier instance, two cases under the NDPS Act were registered against him. The petitioner was attending wedding at the time of alleged occurrence. The petitioner is not in any manner concerned with the arrest of Gautam Gupta and the present FIR has been lodged with an attempt to create a false defence version for Gautam Gupta in the case that has been registered under NDPS Act. The similarly placed co-accused, namely, Anil Joshi has been granted interim bail by this Court.

Notice of motion.

Mr. M.S.Nagra, AAG, Punjab accepts notice on behalf of the respondent-State.

Mr. Gurcharan Dass, Advocate has put in appearance on behalf of the complainant and submits that there are call details indicating the involvement of the petitioner in the

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abduction of Gautam Gupta.

Learned State counsel submits that the call details have not yet been procured and seeks adjournment to get instructions and submit reply in the matter.

Adjourned to 12.05.2023.

In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.

To be heard alongwith CRM-M-10562-2023.”

2. Learned counsel for the petitioner contends that in pursuance of interim directions, the petitioner has joined the investigation. It has been further submitted that the challan in the case bearing FIR No.07 dated 15.01.2023, under Section 21 of NDPS Act, registered at Police Station Bassi Pathana, District Fatehgarh Sahib against Gautam Gupta, the son of the complainant has been submitted in the Court and charge has also been framed. The present FIR has been registered with an attempt to create false defence version for Gautam Gupta who is involved in a case registered under NDPS Act.

3. Learned State counsel has not disputed the fact that the petitioner has joined the investigation but has opposed the bail application on the score that the call details of the petitioner and the co-accused are yet to be procured. Moreover, the car used in the occurrence has not yet been recovered.

4. It has not been disputed that the mobile phone numbers of the petitioner and the co-accused are with the police officials. It has also not been disputed that the challan has been presented against the alleged victim Gautam Gupta, who is the son of the complainant in a case under NDPS Act. The version as emerging in the present case may be a defence version of the son of the complainant in a case that has been registered under NDPS Act. Learned State

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case, the FIR against the son of the complainant has neither been cancelled nor any action has been initiated against the police officials who as per the version of the complainant, had falsely implicated his son.

5. In view of the aforesaid submissions, the order dated 16.03.2023, granting interim bail to the petitioner is made absolute.

6. The petition is allowed.

12.05.2023

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(VIVEK PURI)
JUDGE

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