

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

CRM-M No.43408 of 2023

Date of Decision: 31.10.2023

Vipan Kumar

...Petitioner

Versus

State of Punjab

...Respondent

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

Present:- Mr. Swarn Tiwana, Advocate,
for the petitioner.

Mr. Gurlal Singh Dhillon, AAG, Punjab,
for the respondent-State.

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MEENAKSHI I. MEHTA, J.(ORAL)

By way of the instant petition, the petitioner has sought the relief of regular bail in the criminal case arisen out of the FIR bearing No.67 dated 09.06.2023 registered at Police Station Fatehgarh Sahib, under Sections 363, 366 & 120-B IPC.

2. Bereft of unnecessary details, the allegations, as levelled by the complainant-informant in the subject FIR, are that his daughter, aged about 17 years (here-in-after to be referred as 'P'), went missing from their house on 25.05.2023 and since then, he had been searching for her but could not find out her whereabouts and in fact, she had been kidnapped by Gursewak Singh on the false pretext of marrying her and he came to know that at the time of her ('P's) kidnapping, the petitioner and one Harsh, were also accompanying said Gursewak Singh.

3. Learned State counsel has submitted the Status-Report on behalf of the respondent-State (by way of the affidavit of Deputy Superintendent of Police, Circle Fatehgarh Sahib, District Fatehgarh Sahib) and the Custody-Certificate of the petitioner, in the Court today and these documents are taken on the record.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that there is a delay of 15 days in lodging the FIR and moreover, 'P' and said Gursewak Singh, the co-accused of the petitioner, had filed a Petition in this Court for seeking the protection and this fact shows that 'P' had willingly accompanied Gursewak Singh and thus, the petitioner had no concern with the alleged crime and has, rather, been got falsely implicated in the criminal case under reference and in these circumstances, he deserves the relief, as prayed for in this petition.

6. Per-contra, learned State counsel argues that 'P' has still not been recovered/traced out and the petitioner has been attributed specific role in the commission of the offence and in view the nature of the allegations levelled against him (petitioner), the instant petition be dismissed.

7. The contentions regarding the delay in lodging the FIR and the false implication of the petitioner in the case, can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage, after appreciating and evaluating the evidence as may be led on the record during the course of the trial and the same cannot be decided while dealing with this bail petition.

8. So far as the contention regarding 'P' and the petitioner having filed a Petition in this Court for seeking the protection is concerned, the same

does not suffice at all, at this stage, to grant the relief sought by the petitioner, in view of the circumstances when 'P' has not yet been recovered/traced out and it being so, there could not be any occasion to record her statement under Sections 161 Cr.P.C or 164 Cr.P.C which could and would have thrown some light on the circumstances culminating in the alleged commission of the crime and the filing of the afore-said petition and the complainant has categorically alleged in the FIR that the petitioner is the brother-in-law of his co-accused Harsh, who happens to be the brother-in-law of accused Gursewak Singh and they both had also been accompanying him (Gursewak Singh) at the time of the kidnapping of 'P'.

9. Keeping in view the afore-discussed facts and circumstances and also the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the concession of regular bail. Resultantly, the petition in hand stands dismissed accordingly.

31.10.2023
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No