

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-45880-2023 (O&M)
Date of decision: 09.10.2023

Kuldeep Singh @ Gabbar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. A.S. Sidhu, Advocate for the petitioner.

Mr. Amish Sharma, AAG, Punjab.

FIR No.	Dated	Section/s	Police Station
77	30.04.2023	364, 379-B, 323, 341, 506, 148 and 149 IPC	Lehra, District Sangrur

VIKAS SURI, J.

[1] The petitioner-Kuldeep Singh @ Gabbar has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in the above-captioned case.

[2] The case of the prosecution is that complainant Gurdeep Singh gave a complaint against the petitioner and his co-accused on the allegations that when he along with his friend Khuspreet Singh was coming on his motorcycle, they were made to stop by the co-accused by blocking their passage. The petitioner along with his co-accused alighted

from the vehicle and caused injuries to the complainant. The mobile phone of Khuspreet Singh was also snatched, though the same was later returned and the complainant was abducted in the car and taken to the motor (tubewell) of the petitioner and was given beatings on his back, legs and feet. Thereafter, the accused persons took the complainant to the motor (tubewell) of Kuldeep @ Billa, where many unknown persons were present. Thereafter, the complainant was thrown into the boot of the car and taken to motor (tubewell) in other fields, where he was alleged to have been undressed and a video clip was captured on the mobile phone.

[3] Learned counsel for the petitioner submits that all the injuries suffered by the complainant are simple in nature and the only allegation against the petitioner is of having given pushes. There is an unexplained delay of about 09 hours in lodging the FIR. The petitioner has been falsely involved in the present case on account of party faction. The petitioner is ready to join the investigation and cooperate with the investigating agency.

[4] *Per contra*, learned State counsel has opposed the present bail application, contending that there are serious allegations against the petitioner, therefore, he is not entitled to bail.

[5] I have heard learned counsel for the parties and considered the rival contentions.

[6] Perusal of the record shows that petitioner is one of the main accused, who in connivance with other co-accused, abducted the complainant and then gave beatings to him and prepared a video clip

after undressing him. Such kind of acts needs to be dealt with a heavy hand, so as to send a strong message to the culprits taking law into their own hands. In the given facts and circumstances, custodial interrogation of the petitioner is also essential to effect the recovery of mobile phone from which the alleged video clip was captured.

[7] Thus, keeping in view the gravity and seriousness of allegations against the petitioner, the necessity of his custodial interrogation and considering the apprehension expressed by the State counsel that if pre-arrest bail is granted, the petitioner would try to threaten, intimidate and influence the prosecution witnesses, which cannot be brushed aside lightly. Therefore, finding no merit in the present petition, the same stands dismissed.

October 09, 2023

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(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes / No

Whether Reportable : Yes / No