

CRM-M-54364-2023

2023:PHHC:139341

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-54364-2023

Date of Decision : October 31, 2023

Gurbhej Singh

.....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. K.S.Brar, Advocate
for the petitioner.

Mr. Sandeep, Addl. AG, Punjab.

KULDEEP TIWARI. J.

The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory bail to the petitioner in case FIR No. 163 dated 3.9.2023, registered under Sections 364-A and 120-B of the Indian Penal Code (offences under Section 323 IPC and Section 25 of the Arms Act have been added later on) at Police Station City Fazilka, District Fazilka.

It is submitted by the learned counsel for the petitioner that a totally false and concocted case has been registered against the petitioner. The petitioner is not involved in the crime, as alleged. Even as per the story of the prosecution, initially the FIR was registered against two persons, *namely*, Gurwinder Singh and Raman Sohi. However, during investigation, the detenue was found to be in the custody of the above

said two accused and one more accused, *namely*, Sunil was also present there at that time. The only allegation against the petitioner is that he was nominated as one of the associate of co-accused Gurwinder Singh and Raman Sohi to have accompanied them at the time of abduction of Nachattar Singh. Besides that, there is no other cogent material, connecting the petitioner with the crime, as alleged. There is no other case registered against the petitioner. The petitioner is ready and willing to join the investigation as and when called by the police. Hence, the petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. Sandeep Singh, Additional Advocate General, Punjab accepts notice on behalf of the respondent – State.

The learned State Counsel for the State has submitted that one Nachhattar Singh was abducted by some persons. Subsequently, on getting credible lead, the house of co-accused Gurwinder Singh was raided, where from, detinue Nachhattar Singh was recovered and one Sunil was also found present there, who had detained Nachhattar Singh inside the house. The name of the petitioner has reflected in the disclosure statements of all the accused, as a person who was part of the abduction team. The police is yet to find out the exact details of the commission of crime. Therefore, the custodial interrogation of the petitioner is imperative in the case. Hence, the petitioner does not deserve to be protected against his arrest.

Keeping in view the facts and circumstances available on the file, as well as, the submissions made by counsel for the State, this Court

does not find it appropriate to interfere in the matter so as to grant the concession of anticipatory bail to the petitioner, especially when the anticipatory bail petition i.e. CRM-M-48279-2023 of co-accused, namely, Amandeep Singh has already been dismissed by this Court vide order dated 25.9.2023 and the case of the present petitioner is also on the same footing.

In view of the above, the present petition for anticipatory bail is, hereby, dismissed.

(KULDEEP TIWARI)
JUDGE

October 31, 2023
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No