2023:PHHC:142059

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-54726-2023
Date of decision : 07.11.2023

Priya **..... Petitioner**

versus

State of Punjab **..... Respondent**

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Rajeev Kumar Sharma, Advocate
for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab.

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PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.117 dated 26.04.2023, registered for the offences punishable under Sections 307, 365, 452, 379-B(2), 506, 148, 149, 120-B of IPC and Sections 25/27/54/59 of Arms Act at Police Station B-Division, Amritsar.

2. As per contents of the FIR, it has been alleged as under:-

> "Statement of Gautam Bhatti son of Vaishno Onkar resident of H.No.8241/28, Street No.04, Guru Ramdass Nagar, Sultanwind Road, Amritsar, aged about 28 years, M.No.98768-72700, It is stated that I am resident of above mentioned address and is running a Hotel on lease namely Gopal Inn at Mahna Singh Road. On 25-04-2023, at about 11:50 PM, I was present in Hotel Gopal Inn, when two persons came into my hotel after parking Splendor motorcycle outside the hotel and didn't talk to me

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and went outside upon seeing me. On 26-04-2023, the said two persons again came on motorcycle at about 12-10 AM to 12-15 AM and came inside after parking the motorcycle outside and behind them, a white color Verna car bearing registration No.PB46-AF-9587 stopped in front of my hotel, out of which, 5-6 persons duly armed with weapons came inside. I was sitting in the room behind the ground floor of the hotel, who upon coming, started giving me slaps and took me outside. One of them also pointed out pistol upon my forehead and threw me in the Verna car parked outside. To terrorize, they also opened fires in the air with their weapons. They kidnapped me with an intention to kill and took towards Tarn Taran side. I was given beatings near Tarn Taran and the video of giving beatings to me was also prepared. I was given blows upon my head with handles of weapons and also attributed several injuries and after attributing injuries to me, threw me near Tarn Taran-Amritsar bypass and threatened me that if you inform to the police station then you will also be shoot out. When they were just beating me, then the gold chain in my neck along with locket and a gold ring, geld Challa, receipt of my hotel, an amount of Rs.50,000/- of my committee and a titan watch were also snatched. I made a request to an auto rickshaw coming from behind to drop me near Amritsar Bypass. Thereafter, I made a phone call to my father Vaishno Onkar from the mobile of auto driver to the effect that I have been beaten and thrown away. At present, I am near Golden Gate. Upon which, my father and brother Kunal brought me to you. The cause of enmity is that on 14-04-2023, two men comprising one Manga and Love

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> came to my hotel to take a room without any id proof. But I didn't give the room without any id proof, who had threatened me that we will see you. I can recognize the other persons on coming before me. I am the claimant. Take action."

3. So far as the role of the petitioner is concerned, the same as per prosecution is that she did reki and supplied information regarding the whereabouts of the complainant to the accused. So far as the incident is concerned, neither the petitioner has been shown to be present nor any role has been attributed to her. Petitioner is behind bars for 06 months and 10 days. Challan already stands presented, thus there cannot be any apprehension that the petitioner shall tamper with the evidence. She has clean antecedents and has no other case pending against her.

4. The aforesaid factual assertions based on record made by counsel for the petitioner are not disputed by counsel representing the State.

5. Keeping in view the parity and the incarceration already suffered by the petitioner, the present petition is allowed. Petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

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Whether speaking/reasoned : Yes

Whether Reportable : No

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