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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59020-2024
Date of decision: 14.01.2025

SUNIL KUMAR @ SUNIL SINGH

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rahul Garg, Advocate for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Prayer in the present petition filed under Section 482 BNSS is for grant of anticipatory bail to the petitioner in case bearing FIR No.456 dated 19.10.2024 registered under Section 140(3), 127(2), 61(2) of The Bharatiya Nyaya Sanhita (BNS), 2023 at Police Station City Barnala, District Barnala.
2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. In fact, the child victim of the complainant was recovered from the real sister of the main accused, namely, Suraj Kumar and the petitioner is not required for any custodial interrogation as he has no role to play in the commission of the alleged offence. Rather, the petitioner is a victim of the conspiracy by the complainant and the police officials. A bare reading of the FIR (*supra*) clearly indicates that *prima facie*, no case is made out against the petitioner. Further, the petitioner is a caterer by profession and was not present at the place of occurrence. On the date of alleged incident, the petitioner was in Mansa and there is an unexplained delay of 01 day in registration of the FIR (*supra*), which creates a serious doubt on the case set up by the prosecution.



3. Learned State counsel has filed reply by way of affidavit dated 13.01.2025 of Satvir Singh PPS, Deputy Superintendent of Police, Sub Division Barnala on behalf of respondent-State, which is taken on record and *per contra*, opposes the prayer made by the petitioner by submitting that the petitioner has been specifically named in the FIR (*supra*) that he along with co-accused had kidnapped the son of the complainant and during investigation, the child was recovered from Nandini, the real sister of the co-accused Suraj Kumar and Nandini Devi has categorically stated that the kidnapped child has been handed over to her by the accused including the petitioner. Further, in the absence of any material, the plea of *alibi* cannot be considered at this stage, as the custodial interrogation of the petitioner is required to unearth the *modus operandi* and the manner, in which, the serious offence has taken place.

4. Having heard learned counsel for the parties and keeping in view the nature of gravity of offence and the fact that the custodial interrogation of the petitioner is required to unearth the truth, no ground is made out to grant anticipatory bail to the petitioner and the present petition stands dismissed.

January 14, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |