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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-10747-2024(O&M)

Date of decision:-18.03.2025

KULWINDER SINGH @ KULVINDER SINGH

...Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Sunil Mallan, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

CRM-2404-2025

1. The instant application under Section 528 of the Bharatiya
Nagarik Suraksha Sanhita, BNSS, 2023 is for placing on record certain
documents as Annexure A-1.

2. The application is allowed, subject to all just exceptions and
Annexure A-1 is taken on record. Registry to tag the same at appropriate
place.

Main case

1. The instant petition has been preferred by the petitioner under
Section 439 of the Code of Criminal Procedure for grant of regular bail in



the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
09	25.01.2021	365, 370, 417, 120-B IPC and Section 13 of Punjab Travel Professionals Regulation Act. (302 of IPC added later on)	Sadar, District Police Commissionerate Jalandhar

2. Arguments heard.

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and he has no concern with the alleged crime. He contends that petitioner was not named in the FIR but has been nominated after one year on the basis of suspicion. He contends that the petitioner is in custody since 31.03.2021 and after completion of investigation, challan has already been presented in Court and the conclusion thereof, will take sufficient long time, hence prayed for grant of concession of regular bail to the petitioner.

4. *Per contra*, learned State counsel has opposed the bail petition by referring to the reply submitted by the State and contends that accused Sakatar Singh, Gurdhian Singh, Bhupinderpal Singh, Jasbir Singh, Abdul Rahim and present petitioner in connivance with each other had abducted the son of the complainant namely Tajinder Singh, who was later found dead at Swarna River, Karnataka. He contends that petitioner and other co-accused have played active role in abduction and murder of the son of the complainant and considering the heinous nature and gravity of offence, the petitioner does not deserve concession of bail.

5. After considering the rival contentions and perusing the record, it is observed that present FIR was registered on the complaint of Sohan



Singh stating that he had talked with one Harjinder Singh for sending his son to abroad and the said Harjinder Singh informed that he knows one Sakatar Singh, who sends people abroad. The complainant was assured that his son would firstly be sent to Dubai and thereafter from there to Canada on Work Permit and for that ₹20,00,000/- will be charged. On 14.12.2020, Sakattar Singh sent flight tickets from Chandigarh to Mumbai and thereafter from Mumbai to Manglore, to Harjinder Singh, and the same were sent on complainant's son Tajinder Singh's WhatsApp number 98772-05983. Tajinder Singh went to Chandigarh and thereafter he had informed his sister that he has reached Manglore. However, on 16.12.2020, when complainant called his son, the mobile number was found switched off and later his son went missing. Hence, the FIR was registered and during investigation it transpired that accused Sakatar Singh is residing abroad and in search of accused Gurdian Singh raids were conducted. During the course of investigation, statement of sister of Tajinder Singh was recorded and on the basis thereof, the petitioner was nominated and arrested on 31.03.2021. During his interrogation, the petitioner got recovered a mobile phone make Samsung containing SIM No.9592699195 and one another Redmi mobile phone. The said mobile phones were sent to FSL Mohali, for retrieving the data and it was found that the petitioner was in constant touch with co-accused Gurdhian Singh. During further investigation, it was revealed that co-accused Sakattar Singh, Gurdhian Singh, Jasbir Singh, Abdul Rahim and the petitioner, who happens to be brother-in-law (Jija) of co-accused Gurdhian Singh had abducted Tajinder Singh. During the course of further



investigation, a dead body of unidentified boy was found at Swarna River, Karnataka and later it was found that it was the dead body of son of the complainant namely Tajinder Singh. Co-accused Gurdhian Singh and Sakattar Singh have been declared proclaimed offender by the trial Court.

6. It is evident from record that there are specific allegations against the petitioner of being actively involved in the abduction and murder of son of the complainant. Moreover, it has been found that the petitioner was in constant touch with co-accused Gurdian Singh, who is still at large. Therefore, considering the nature and gravity of the offence, no case is made out in favour of the petitioner for grant of regular bail at this stage, as a consequence, the petition is hereby dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

8. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

18.03.2025

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No