

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56338-2024
Reserved on: 02.12.2024
Pronounced on: 19.12.2024

Vijay Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Mohan Singh Chauhan, Advocate, for the petitioner.

Mr. Rajat Gautam, Addl. A.G. Haryana.

Mr. Rakesh Gupta, Advocate, for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
340	16.09.2024	Mahesh Nagar, Distt. Ambala, Haryana	308(4), 351(2), 62 of BNS

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 11 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

"3. xxx xxx xxx The brief facts of the case are that on 29.08.2024, Anil Kumar son of Late Shri Krishan Lal resident of H. No. 71 Ekta Vihar Colony Ambala Cantt came to Police Post Kardhan, Ambala Cantt and submitted an application No. 326/Dasti, dated 29.08.2024, which contents of application is as follows- To In-charge Police Chowki Kardhan, Police Station Mahesnagar District Ambala. I am Anil Kumar s/o Late Krishan Lal resident of 71 Ekta Vihar Colony Ambala Cantt and my Shop namely Microscope factory is in Kacha Bazar Near Junija Hospital at 3111/12 Ambala Cantt. My phone number is 98120xxxx, on this phone no. yesterday 28/08/2024 at 2.45. I received a call for extortion from 79017-xxxxx. He has asked for Rs. 30,00,000/- from me and has threatened to kill

me and my son Roopam, if we do not give him this amount and today morning on 29/08/2024 at 7.45 pm, I received another call and he has again asked for this amount. Please provide us security. Sd ANIL KUMAR 98120xxxxx dated 29/08/2024". From the application, it has been found that a call was made to the mobile number 98120xxxxx of the applicant Anil Kumar from the mobile number 79017xxxxx demanding a ransom of Rs. 30,00,000/- from him. The circumstances were found suspicious from the above application and it was very important to verify the circumstances. Hence, Report no. 09 dated 29.08.2024 regarding verification of circumstances was recorded in the daily diary of the police post. After verification of the circumstances the case, which were found to be the same as the complaint of complainant Anil Kumar, hence, the present case was registered."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State's counsel opposes bail and refers to the reply.

6. The complainant's counsel opposed bail and submits that the complainant was aggrieved by calls made to him twice by the accused person for demand of Ransom of Rs.30,00,000/- and threatening to kill him as well as to his son. In furtherance of the above said FIR one person namely Vinod, who was working with the complainant since long, was arrested in the present case. Being working with the complainant, Vinod was very well acquainted with him and everything of the complaint and he has visiting term with the complainant's family even. By taking the advantage of the complaint's trust, he planned a conspiracy with the present petitioner i.e. Vijay Kumar and one Vansh (Nephew of Vinod) and they made calls to the complainant to pay ransom of Rs.30,00,000/ otherwise they will kill him as well as his son. He further submits that one of the co-accused Vinod was arrested and during investigation he disclosed the name of the petitioner and categorically stated that the ransom demand was made through the present petitioner Vijay Kumar. Even otherwise on dated 28.09.2024 location of their Mobile Phones used to demand the ransom was found at Ambala Cantt. and while at the time of second call the tower location was found at Shastri Nagar, Delhi and the present petitioner also resident of Delhi. Therefore, in the given facts and circumstances of the case, the petitioner is directly involved in the commission of crime and as such he is not entitled for the concession of anticipatory bail.

7. It would be appropriate to refer to the following portions of the bail petition:

"4. That the petitioner has been falsely implicated merely on the basis of the disclosure statement of the co-accused because the co-accused Vinod is the brother in law of the petitioner. Merely because the tower location of the mobile phone allegedly used in the commission of the crime found at the Delhi on 29/09/2024 without getting the tower location of the mobile phone of the petitioner it is totally unjustified to draw the conclusion that the phone call was made by the petitioner. Had the tower location of the mobile phone of the petitioner also been found at the same place, it could have been assumed but in the absence of the tower location of the mobile phone of the petitioner it is totally unjustified Further, the petitioner is ready to give his voice sample which will make it clear that whether the petitioner has called for the alleged demand of ransom or not.

5. That even the mobile number and sim card which was used to make the call does not belong to the petitioner or any of the family member of the petitioner and it is not clear at this stage in which name the alleged mobile phone and sim card has been registered. Just because the co-accused has made the disclosure statement that the call was made by the petitioner and phone is in his possession, without verifying the voice sample with the voice of the caller, it would be totally unjustified to arrest the petitioner when the petitioner is ready to give his voice sample.

6. That the petitioner is 47 years old and doing the work of fancy lights having two young children and wife in the family and the petitioner has no criminal antecedents. Further the petitioner neither know the complainant nor having any enmity with the complainant. Further, the co-accused Vinod who was arrested by the police has been granted the regular bail by the Ld. Sessions Court Ambala on 22/10/2024. Copy of the order dated 22/10/2024 is placed on record as Annexure P-3."

8. It would also be appropriate to refer to the following portions of the reply, which read as follows:

"7. That on 29.09.2024, the I.O. reached in the office of DTDC Courier Company, Baldev Nagar, Ambala City and moved the application for obtaining the record of parcel No. T29073113 and thereafter, collected four pages of the parcel and the same was taken into possession by preparing the recovery memo. The I.O. also collected the call detail record

of Mobile phone of accused-petitioner bearing No. 98108-xxxxx and Mobile Phone of co-accused No. 98960-xxxxx and on verification of the record, it was found that on the day of occurrence, the accused-petitioner and co-accused were remained together and thereafter, the accused-petitioner went to Delhi. On verification of the record of DTDC Courier Company, it was found that parcel No. 29073113 was sent from Jalandhar, Punjab to P Scientific Works, Shop No. 6, Sudana Market, near Madan Ka Mandir, Punjabi Bag, Ambala Cantt bearing Mobile No. 98960-xxxxx. The DTDC Courier Company record is annexed as Annexure R-2 and CDR of accused-petitioner and co-accused Vinod are annexed as Annexure R-3 and R-4.

8. That on the basis of Courier Company record as well as CDRs of accused-petitioner and co-accused Vinod Kumar, it is found that the co-accused Vinod Kumar received the mobile phone bearing No. 79017-xxxxx through DTDC Company from his niece Vansh resident of Jalandhar, Punjab and thereafter, the accused-petitioner and co-accused by use of above mobile made a ransom call to the complainant one from Ambala and thereafter, the accused-petitioner made a second ransom from Delhi. The custodial interrogation of accused-petitioner is required in this case. Hence, the present petition is liable to be dismissed.”

9. The investigator has been able to trace the petitioner’s involvement through the digital evidence, which indicates towards the petitioner’s involvement.
10. A perusal of the bail petition and the documents attached prima facie points towards the petitioner’s involvement and does not make out a case for anticipatory bail. The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.
11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
12. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

19.12.2024
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.