

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Crl. Misc. No.M-12481 of 2015
Date of decision : 29.04.2015**

Tony

.....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

Present: Mr. J.S. Jaidka, Advocate
for the petitioner.

Mr. V.P.S. Sidhu, Asst. AG, Punjab.

Mr. Vikas Mohan Gupta, Advocate
for the complainant.

ANITA CHAUDHRY, J(ORAL)

This is the third petition filed under Section 439 Cr.P.C. seeking regular bail in FIR No.72 dated 14.07.2013, registered under Sections 364-A/34 IPC, Police Station Doraha, Police District Khanna, District Ludhiana (Punjab). Subsequently Sections 307, 323, 324, 171, 148, 149, 120-B, 506, 420, 467, 468, 471, 201 IPC, Section 25 of the Arms Act, Section 29 of the NDPS Act and Section 66-A of the IT Act were added.

The counsel for the petitioner contends that though this is the third petition but the first two petitions were

withdrawn. He urges that the petitioner is not named in the FIR and it is a false case which is politically motivated. He urges that majority of the witnesses remain to be examined and the trial would take time and the petitioner is in custody for the last 1 year and 9 months and bail may be allowed to him.

The bail petition is opposed by the complainant as well as the State. It has been urged that the complainant's son and driver were returning in a car and the son had called up the father and at that moment, the complainant heard the cries of his son and then the call had ended and later he came to know that the child and the driver had not returned home and the case was got registered. It has been urged that ransom amount was demanded which was paid and the boy had returned the next day and statements of the driver and the child were recorded. He urges that the person who had come was in the police uniform and was armed and one A.K. 47, walky talkies, police uniform and bullets were recovered and the petitioner is the main accused and he would tamper with evidence and there is no change in the circumstances as the earlier bail petition was withdrawn in January, 2015.

The son of the complainant was kidnapped and a ransom was demanded. The amount was delivered. The police was able to trace the persons. The driver and the child returned the next day. Some part of the ransom money was also recovered. The police was able to connect the accused from the

mobile phones and after investigation, challan has been filed. The prosecution has cited 60 witnesses. The main witnesses remain to be examined. The prosecution fears that the petitioner would influence the witnesses and tamper with evidence. The allegations are indeed serious. No case for bail is made out.

The petition is dismissed.

29.04.2015

sunil

(ANITA CHAUDHRY)
JUDGE