

215

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.16156 of 2015
Date of Decision: 06.08.2015

NASRU

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Kunal Dawar, Advocate
for the petitioner.

Mr. Yashwinder Singh, D.A.G., Haryana.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C., in case bearing FIR No.396 dated 25.12.2014, under Sections 364-A IPC P.S. Bhupani, Faridabad.

The FIR came to be registered at the instance of Ashok Kumar who happens to be brother of abductee Sham Shah. Allegations are that Sham Sha was abducted by the caller who made call to the complainant on his mobile and demanded an amount of Rs.1 lac for his release.

Sham Shah was kidnapped when he was going to his

native home in District Muzzafarpur, Bihar. He was abducted by some unknown persons and someone calling for ransom. During the course of investigation Jafru was arrested and his disclosure statement revealed that he became friendly with Sham Shah and abducted him.

Statement of victim Sham Shah was also recorded on 20.12.2014 under Section 164 Cr.P.C. According to his statement when he was going to Bihar, ne unknown person met him on the bridge. On being asked he said that he was also from Bihar and was going there. After becoming friendly he was asked to sit on a motorcycle. On refusal he was forced to sit on the point of knife and was taken towards Hodal. He was confined in a room and his mobile and money were looted. Three persons took him to forest area. Two of them left, one remained with him. Thereafter Police came there and took him along. Disclosure statement of co-accused Jafru implicated the petitioner to the extent of keeping vigil over the abductee. On being asked by the main accused he deputed his father Rahish to keep watch over the person.

According to learned counsel for the petitioner there is no material on record, suggesting any prior meeting of mind between petitioner and the main accused nor any overt act has been attributed in the context of kidnapping of the victim by petitioner.

Learned State counsel on instructions from ASI Jaan Mohd. states that all the four persons involved in the present case are in

custody and nothing has been recovered from petitioner.

Petitioner is in custody since 25.12.2014 and challan stands presented.

In view of aforesaid, petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate, Faridabad.

Accordingly, this petition is allowed.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

August 06, 2015.

Atik

(RAJ MOHAN SINGH)
JUDGE