IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.M-23199 of 2015

Date of Decision : 21.7.2015

Sana Tasneem

....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr.Surinder Singh Duhan, Advocate for the petitioner.

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MAHESH GROVER, J.

This is a petition under Section 438 Cr.P.C. praying for release of the petitioner on bail in terms thereof in a case registered vide FIR No.302 dated 12.11.2011 under Sections 420, 406, 120-B, 364A, 387, 302, 201 IPC and 25/27 of the Emigration Act, at Police Station Chandhat District Palwal.

The facts of the case are deeply convoluted. It has been alleged by the complainant that Sanju alias Sanjiv Rawat had taken away his brother Prem Pal Singh to Malaysia on the pretext of providing him a job. On 17.10.2011, Prem Pal had made a telephonic call to the complainant requesting for some money to meet his expenses. The complainant deposited a sum of Rs.1 lakh at the asking of his brother in the bank account of his brother in three installments. Another call was received from Prem Pal

Singh disclosing that he had been taken to some undisclosed place and was receiving threats from his abductors that in case he did not procure a sum of Rs.4 lakh from his family members, he would be done to death. Some bank accounts numbers were disclosed in which money was to be deposited. The complainant deposited a sum of Rs. 4 lakh in these accounts on 24.10.2011. Once again a call was received by the complainant from his brother who informed him that he had been released by his abductors but he was still not out of trouble. On 26.10.2011, the complainant again received a telephonic call from one Manish, an acquaintance of Sanju alias Sanjiv Rawat demanding a sum of Rs.40,000/- to be deposited in the account of one Amarjit, resident of Sangrur (Punjab) and the caller also told the complainant that only then his brother would be permitted to come back. The complainant then contacted the family members of Sanju alias Sanjiv Rawat and came to know that he had already returned from Malaysia. On 29.10.2011 the complainant received a call whereby demand of huge amount of money was raised and then he learnt that his brother had been killed and his dead body was lying in Bangkok. He also gave the details of the bank accounts wherein the amount of money as demanded by the abductors of his brother had been deposited. In this backdrop the FIR was registered.

The petitioner is one of those persons in whose accounts money was deposited.

That being the allegations against the petitioner, I am of the view that given the facts and the serious nature of allegations which suggest a deeper and sustained investigation to unravel the truth, the benefit of pre-arrest bail granted to the petitioner at this stage would resultantly hamper the efforts of the investigating agency to get to the bottom of the matter. Since there is prima facie material to link the petitioner to the occurrence by way of a bank account, the burden to explain this rests heavily on the petitioner itself and at this stage the court would not like to presume innocence and false implication of the petitioner which is the fundamental principle to accord a benefit under Section 438 Cr.P.C.

For the aforesaid reasons, this Court does not find it to be a fit case where equitable relief under Section 438 Cr.P.C. can be granted to him.

Dismissed.

21.7.2015 (MAHESH GROVER)
JUDGE

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