

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-37246 of 2014

Date of Decision: 23.4.2015

Rohit alias Ravit

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. Tanveer Ahmed Mir and
Mr. Sandeep K. Sharma, Advocates
for the petitioner(s).

Mr. Rajiv Doon, Assistant Advocate
General, Haryana for the respondent.

Mr. Rakesh Nehra, Advocate
for the respondent.

Darshan Singh, J.

1. The present petition has been filed by accused/petitioner-Rohit alias Ravit for grant of regular bail in case FIR No. 135 dated 15.5.2014, registered under Sections 365, 364-A, 387 & 120-B of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") and Section 25 of the Arms Act, 1959, at Police Station Kalanaur, Rohtak.
2. The brief facts of the prosecution case are that on 15.5.2014, Parichay Malhotra son of Adarsh Malhotra (complainant), aged 16 years, student of Indus Valley Public School, Rohtak was kidnapped for ransom of ₹ 2,00,00,000/-. The accused was arrested in this case on 20.5.2014. His application for grant of regular bail was dismissed by the Court of Additional Sessions Judge, Rohtak on 4.10.2014. Hence, this petition.
3. Learned counsel for the petitioner contended that no recovery

of any weapon or any other incriminating article has been effected from the possession of the petitioner. He further contended that establishing the identity of the culprits is very essential in this case. But no test identification parade has been conducted. The victim has named only two co-accused of the petitioner. The name of the petitioner does not figure in the statement of the victim. So the participation of the petitioner in the present occurrence is not established. To support his contention, he relied upon the judgment rendered by the Hon'ble Supreme Court in ***Mohd. Faiza Ahmad alias Kalu v. State of Bihar (2013)2 Supreme Court Cases 131***. He further contended that the petitioner has only been implicated on the basis of the disclosure statement of his co-accused. The victim has not narrated any specific role having been played by the petitioner. The petitioner is in custody since the date of his arrest i.e. for the last about 11 months and he deserves the concession of bail.

4. On the other hand, learned State counsel assisted by Mr. Rakesh Nehra, Advocate for the complainant, pleaded that the kidnapping of the child for ransom of ₹ 2,00,00,000/- is a serious offence. The petitioner has played major role in this occurrence. His car was used to kidnap the boy. He has been identified in the Court by the victim. Thus, he does not deserve the concession of bail.

5. I have duly considered the aforesaid contentions.

6. It is settled principle of law that at the stage of deciding the application for grant of bail, the Court is not required to meticulously appreciate the evidence as it may cause prejudice to either of the

parties. Only the broad allegations are to be looked into. In the instant case, there are serious allegations that Parichay Malhotra, a boy aged 16 years, was kidnapped and the demand of ransom of ₹ 2,00,00,000/- was raised. Parichay Malhotra, while appearing in the witness box has identified the petitioner as one of the accused. The place of confinement of the victim has also been disclosed in the disclosure statement of the petitioner in pursuance of which the victim was recovered from the custody of the co-accused. In this manner, there are serious allegations against the petitioner for having participated in the kidnapping of a minor boy for ransom. Consequently, he does not deserve the concession of bail.

7. Thus, keeping in view my aforesaid discussions, this petition is without any merit and the same is hereby dismissed.

(Darshan Singh)
Judge

April 23, 2015
“DK”