

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

CRM-M No.3908 of 2016

Date of Decision:-11.04.2016

Jatu.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. J.S. Thind, Advocate for the Petitioner.

Ms. Rimplejit Kaur, Assistant Advocate General, Punjab
assisted by ASI Jagdish Singh.

Mr. Vishal Goel, Advocate for the Complainant.

JASWANT SINGH, J (ORAL)

Prayer is under Section 439 Cr.PC for grant of regular bail to the petitioner Jatu in case FIR No.157 dated 24.12.2014 for offences punishable under Sections 363 and 368 of Indian Penal Code registered with Police Station Islamabad, Amritsar City.

As per the allegations of the prosecution, minor sons Mohit Kumar aged about 10 years and Rohit Kumar aged about 08 years were kidnapped on 09.12.2014 by co-accused Sunil Kumar @ Sonu who is a beggar at the railway station, then sold Mohit Kumar for a sum of Rs.200/- to the present accused-petitioner. The recovery of the minor child was

effected from the place of residence/temporary Dera of the petitioner.

It is contended that there is a unexplained delay of 15 days in lodging the FIR as the two sons had gone missing on 09.10.2014 and the FIR was lodged on 24.12.2014. It is next contended that the petitioner is neither named in the FIR nor any role has been mentioned and no harm was caused to the children. It is alleged that a false case has been foisted upon the petitioner. It is further submitted that petitioner is in custody since 07.12.2015 and the investigations qua him are over.

Learned State Counsel assisted by ASI Jagdish Singh has filed reply on behalf of the State wherein it is stated that during the investigation the co-accused Sunil Kumar @ Sonu was arrested on 24.12.2014 and on the basis of his disclosure statement recovery of the minor was effected from the residence of the petitioner. The identification memo was also prepared in that regard. The other son Rohit Kumar had come back home on 15.01.2015 and also verified the fact that Mohit was sold to one *Gujjar* type person (i.e. the petitioner) by Sunil Kumar. It is next submitted that the petitioner managed to evade arrest for a long time and finally was arrested on 07.12.2015. The challan has been prepared and is in the process of being presented.

After hearing learned Counsel for the parties and perusing the paper book, this Court is of the considered view that petitioner is not entitled to the concession of regular bail keeping in view the nature and gravity of the offence. It has also come on record that the petitioner-accused has no permanent place of abode and, therefore, there is substance in the allegations that there is every likelihood of the petitioner evading the

process of the Court.

In view of the above, the present petition for grant of regular bail to the petitioner is hereby dismissed.

(JASWANT SINGH)
JUDGE

April 11, 2016
Vinay