

Sr.No.204

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

CRM-M-12416-2017(O&M)

Date of Decision: 11.08.2017

MOHD VAISH

.....Petitioner

VS

STATE OF HARYANA

.....Respondent

CORAM HON'BLE MR. JUSTICE MAHESH GROVER

Present Mr.J.S.Bedi, Sr. Advocate
with Mr. Lovekirat Singh Chahal, Advocate
for the petitioner.
Mr. Vivek Saini, DAG, Haryana.

MAHESH GROVER, J (ORAL)

This is a petition under Section 439 Cr.P.C praying for release of the petitioner on regular bail in a case FIR No. 302 dated 12.11.2011, under Sections 420, 406, 120-B, 364-A, 201 and 302 IPC and 25 of the Emigration Act, registered at Police Station Chandhat District Palwal.

The allegations set out in the FIR and the subsequent case as developed by the prosecution is that the complainant's brother Prem Pal was taken to Malaysia by one Sanjeev Rawat (a co-accused of the present petitioner) on the pretext of getting him employed there. Three other persons were also taken by him on a similar pretext. On reaching Malaysia, the complainant's brother Prem Pal informed him telephonically about his well being. On 17.10.2011, he received another call asking him to deposit some

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money in his account as it was required by him for his expenses. Rs.1,00,000/- was deposited in three instalments. Prem Pal then again made a call stating that persons who had taken him to Malaysia had kidnapped him and are threatening to kill him unless Rs.4,00,000/- are arranged to be paid. The complainant then approached Sanjeev Rawat and inquired about his brother but did not receive any satisfactory answer. Repeated attempts to elicit more information yielded no result except an assurance from Sanjeev Rawat that he has spoken to his people in Malaysia namely Jessi and Amarjeet. He gave the account number of Amarjeet and asked him to deposit Rs.40,000/- which was done. Whereafter, on 29.10.2011, a call was received from Amarjeet and Jessi demanding Rs.30,00,000/- out of which Rs.20,00,000/- were demanded immediately and rest Rs.10,00,000/- to be deposited within three days. The complainant could not arrange this amount and consequently Prem Pal was murdered in Thailand.

Learned counsel for the petitioner contends that in the entire sequence of events given by the complainant the role of the petitioner is not established. Apart from that it has been contended that the complainant has been examined and he has not supported the prosecution version against the present petitioner. Rather, it has been categorically stated that he (complainant) had purchased 20 buffaloes from the petitioner and that is how money was received from him which the prosecution alleges is a part of

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ill gotten transaction. It is further contended that the preliminary allegations are against Sanjeev Rawat, Jessi and Amarjeet. Rawat as also Amarjeet continue to be on bail besides having been placed in column no.2 but summoned under Section 319 Cr.P.C to face trial.

Learned counsel for the State opposes the prayer for bail.

After hearing learned counsel for the parties, and noticing the fact that the petitioner has been in custody since 20.04.2015 and the fact that the complainant has been examined who does not support the prosecution version against the present petitioner and noticing further the fact that other co-accused have already been released on bail and that the trial is likely to take some time, and also noticing that only seven out of twenty two witnesses have been examined so far, I would deem it appropriate to accept the petition and direct the release of the petitioner on bail during the pendency of the trial subject to his furnishing bail / surety bonds to the satisfaction of trial Court / Duty Magistrate, Palwal.

(MAHESH GROVER)
JUDGE

11.08.2017
mamta