

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

CRM-M No.3500 of 2017

Date of decision: 27th April, 2017

Munna Parshad Gupta @ Munna Gupta

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Damanjit S. Sandhu, Advocate
for the petitioner.

Mr. Rupam Aggarwal, Dy. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J.

Allegations against the petitioner Munna Parshad Gupta alias Munna Gupta in this anticipatory bail application filed under Section 438 Cr.P.C. are that complainant Radhe Sham a businessman alleged that his cousin Munna Kumar, the victim, was enticed by one Harminder Giri resident of Bihar on the pretext that he was residing near Ludhiana and asked him to come there and he will help him to settle down. It was on 04.09.2016 the victim left Yamuna Nagar for Ludhiana around 10.00 a.m. to visit Harminder Giri and subsequently on the next day a telephonic call was received on the phone of the complainant from the victim's mobile phone wherein a stranger has told the complainant that the victim had been kidnapped and was in their custody and demanded ransom amount of Rs.1.50 lacs which was asked to be deposited in account No.3049001700135559, else they would kill the victim. When

the complainant reached Ludhiana, he informed the police and the present case was got registered and on 08.09.2016 on conducting raid at the house of one Sunita Rani in Ludhiana, alleged accused Harinder Giri and Gurpreet Singh were found to be guarding the victim and had kept him in their custody tied with rope in the corner of a room, who were apprehended and the victim was released and subsequently it transpired that the petitioner was the mastermind behind this.

Contentions of learned counsel for the petitioner are that the petitioner is neither named in the FIR nor has any specific role to play in commission of the crime and it is subsequently on the statement of co-accused his name has cropped up and which could not be legitimately taken as a piece of evidence and since the alleged victim has already been recovered, nothing more is to be recovered from the petitioner; claiming further that it was a simplicitor case of false implication for a motivated cause.

Learned State counsel has vociferously and vehemently opposed grant of bail to the petitioner on the grounds that the petitioner is running a gang of kidnappers and ransom seekers and his custodial interrogation is very much essential to know the other crimes so committed by him and to unearth the entire nexus so undertaken by him.

Appreciating the submissions, it could never be displaced by the petitioner side that the victim was recovered from the illegal custody while tied under captivity of his co-accused/non-applicants namely Harinder Giri and Gurpreet Singh and during the course of

interrogation it has also been revealed that the petitioner along with one Sonu Bhullar were running a gang kidnapping people and seeking ransom. In the light of these serious allegations and heinousness of the offence, custodial interrogation of the petitioner is very much essential to know the whereabouts of his co-accused and the very gamut of this nexus is to be unearthed along with other crimes. More so, provisions of section 438 Cr.P.C. are to be sparingly used. Thus, no case for anticipatory bail is made out.

Finding no merit the present petition stands dismissed.

(FATEH DEEP SINGH)
JUDGE

April 27, 2017

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No