

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

CRR No.2899 of 2016 (O&M)

Date of decision : 12.01.2017

Baljit Singh

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. P.K. Hooda, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab

Mr. Sarju Puri, Advocate for respondent Nos.2 to 4.

JITENDRA CHAUHAN, J. (Oral)

CRM-25297-2016

Heard.

There is inordinate delay of 24 days in filing the present revision.

No satisfactory explanation is forthcoming to condone the delay as such, no case for condonation of delay is made out.

Dismissed.

Main Case

This petition has been filed against the impugned order dated 11.04.2016, passed by learned Sessions Judge, SBS Nagar at Nawanshahr, whereby the private respondents were chargesheeted only under Section

364-A of the Indian Penal Code (for short 'the IPC').

Notice of motion.

At this stage, Mr. Luvinder Sofat, AAG, Punjab accepts notice on behalf of the respondent-State. A complete set of paperbook has been handed over to the learned State counsel, in the Court.

Mr. Sarju Puri, Advocate causes representation on behalf of respondent Nos.2 to 4.

It is contended that on the complaint of the petitioner FIR under Sections 364-A and 120-B IPC was registered. After a detailed investigation, report under Section 173 of the Code of Criminal Procedure (for short 'Cr.P.C.') was submitted under Sections 364-A and 120-B IPC. The sole grouse of the petitioner is that despite criminal conspiracy, learned Sessions Court has omitted Section 120-B IPC while framing the charges even though the participation of the private respondents is well established on record. Respondent No.2-Jaspreet Singh made a telephonic call from mobile of the petitioner and raised a demand of ransom of Rs.1 crore. On receipt of this telephonic call, son of the petitioner, namely, Jinder Singh informed the police. The house of respondent No.2 was raided and petitioner was recovered therefrom. Therefore, the learned counsel for the petitioner submits that the Court of learned Sessions Judge has erred in not framing the charges under Section 120-B IPC against the private respondents.

On the other hand, the learned State counsel submits that the

petitioner was found in the custody of respondent No.2 alone. It was informed that during the course of investigation, participation of other three or four accused in the commission of the offence were not found. Whereas, the learned counsel for respondent Nos.2 to 4 submits that in fact the petitioner had taken Rs.30 lakh and £ 80,000 (pounds) from the brother of respondent No.2 who has also been residing in England. He further states that even if the case of the prosecution is taken in its entirety even then Section 120-B IPC is not made out.

As per the report, the petitioner was allegedly taken from the custody of respondent No.2 alone. Except the phone detail there is nothing on record to suggest the complicity of respondent Nos.2 to 4 in the matter. The learned Court of Sessions Judge after considering the entire material on record and proper appreciation of evidence had opted to frame the charges only under Section 364-A IPC. On scanning the entire record of case file and hearing the learned counsel for the parties, this Court feels that the impugned order dated 11.04.2016 does not suffer from any illegality or perversity, therefore, this Court does not find any ground to interfere with the impugned order, in exercise of its revisional jurisdiction.

Consequently, the instant petition is dismissed on merits, as well as being time barred.

12.01.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No