

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

CRM A-571-MA of 2018
Date of Decision : July 16, 2018

State of Haryana

.....Applicant

VERSUS

Bhupender Singh and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present : Mr. Praveen Bhadu, Asstt. A.G., Haryana.

T.P.S. MANN, J.

The State of Haryana has filed the present application under Section 378(3) of the Code of Criminal Procedure for grant of leave to appeal against the judgment dated 7.3.2017 passed by learned Additional Sessions Judge, Ambala.

Vide impugned judgment, learned trial Court acquitted all the accused, who are respondents No.1 to 4 herein, of the charges under Sections 120-B, 365, 392, 364-A, 506, 476 read with Section 120-B IPC. Besides, respondent No.4-Harsh @ Himanshu was also acquitted of the charges under Section 201 IPC and Section 25 of the Arms Act.

According to the prosecution, complainant-Ajay Kumar was employed in Railway department while his son Shubham

doing High Light Course from a centre situated near Civil Hospital, Ambala Cantt. and he used to go there to attend the classes. On 17.6.2015 at about 5.30 p.m., his son Shubham went to the centre to attend the class in his I-20 car bearing No. HR-99-UN/4740, who informed his friend on phone that some boys were obstructing him near Gupta TV Showroom, Kacha Bazar and after forcibly entering into his car, raised a demand for Rs.2 lacs on gun point. Thereafter, they contacted the complainant through the phone of his son's friend and put a proposal to release him on payment of Rs.50,000/-. The accused abducted his son in order to extract money. The abductor disclosed his name as Harsh. Accordingly, while making statement before the police, the complainant requested for getting his son released from the kidnappers and for recovering his car.

After hearing learned State counsel and on going through the impugned judgment, this Court finds that complainant-Ajay Kumar, who stepped into the witness box as PW4, testified that he had not made any complaint against the accused person, present in the Court. Nothing was recovered from the accused in his presence. He had seen the accused in the Court for the first time.

Shubham, who was said to have been kidnapped by the accused, was examined by the prosecution as PW10, testified

that neither he was kidnapped nor any one demanded any amount from his parents by making phone calls to them. He had seen the accused but he could not identify them because he was seeing them for the first time. The police had obtained his signatures on various blank papers.

PW11 Rahul Sharma testified that on 17.6.2012, he received a phone call from the mobile of his friend Shubham, who requested him to talk to his father on his mobile number. Thereafter, on reaching his house, he made call to Shubham and his father. Shubham did not tell him that he was stopped by some boys on Kacha Bazar or they had forcibly entered in his car or demanded Rs.2 lacs by showing a pistol.

PW13 Vijay Kumar, who owned bullet Motor Cycle bearing temporary No.HR99-SW-UJ-T-0639 testified that Bhupender had borrowed his motor cycle and returned the same after half an hour. On 18.6.2015, the police called him to come present with his motor cycle. He produced his motor cycle before the police. He, however, had no knowledge about the present case.

In view of the testimonies of the star witnesses of the prosecution, as described above, no fault can be found with the approach of the learned trial Court in concluding that the

prosecution had failed to prove the guilt of the accused beyond reasonable doubt.

The application is devoid of any merit and, therefore, dismissed. Leave to appeal is declined.

**(T.P.S. MANN)
JUDGE**

July 16, 2018
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**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No