

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**1. CRM-M-32309 of 2018
Date of Decision: 07.09.2018**

Bhura @ Sanjeev Kumar and othersPetitioners

VERSUS

U.T. of ChandigarhRespondent

2. CRM-M-35755 of 2018

Bhanu @ VickyPetitioner

VERSUS

U.T. of ChandigarhRespondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Karan Vir Nanda, Advocate
for the petitioners in CRM-M-32309-2018.

Mr. Raj Kumar Gupta, Advocate
for the petitioner in CRM-M-35755-2018.

Mr. Parveen Chauhan, Advocate
for Mr. Gagandeep S. Wasu, A.P.P., UT Chandigarh.

Mr. Deepak Sabharwal, Advocate
for the complainant.

SURINDER GUPTA, J.

Present petitions have been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioners in case FIR No.188 dated 21.06.2018 registered for offences punishable under Sections 341/342/323/506/364-A/395/120-B of Indian Penal Code (for short, "IPC") at Police Station Sector 11, Chandigarh.

2. The FIR was registered on the statement of Ashish, wherein he has stated that on 20.06.2018 at about 08.30 p.m., he alongwith his friend,

namely, Suraj on his Pulsar Motorcycle had gone to their friend, namely,

Mangal Preet at Khuda Lahora. From there they took Optra Car of Mangal Preet bearing no. HR-06-L-7555 and complainant-Ashish parked his motorcycle at his (Mangal Preet) house as they had a plan to go to Golden Temple, Amritsar. When they reached at dividing road of Sectors 14 and 15, Chandigarh, a gray colour Swift car came from behind and blocked passage of car of complainant. Two boys came down from that car and got opened left side window of the car of complainant. They slapped Suraj and threatened the complainant saying that it was a stolen car. Complainant and Suraj were made to sit on back seat of the car and thereafter, two more boys came down from Swift car and sat by the side of Suraj and complainant. Other two boys took front seats and one of them started driving the car. They kept on roaming in sectors 15 and 24, Chandigarh and threatening the complainant that it was a stolen car. They put their hand in the pocket of complainant and took out some wrap and threatened that this has been recovered from the complainant and they will be involved in a case. Thereafter, they took the car near Saini Bhawan, Sector 24, Chandigarh and one of the boy took out purse of Suraj, which was containing ₹1000/- and some documents. Other boy took out purse of complainant having ₹5000/-, aadhaar card, driving licence and registration certificate of motorcycle. The Swift car also reached Sector 24 and complainant was asked to sit in Swift car. Suraj got the opportunity and fled away towards Sector 23, Chandigarh. He was followed by two boys, who had kept complainant and Suraj confined, but he could not be caught. Thereafter, complainant was brought to Indira Holiday Home and was given beatings. He was asked to arrange ₹5 lakhs. When complainant expressed his inability to arrange such a huge amount, he was asked to arrange ₹2 lakhs. Complainant called his friend

Goldy and requested him to arrange ₹2 lakhs. Thereafter, all the four boys brought complainant on the liquor vend, Sector 24, Chandigarh, where they purchased beer and kept on compelling complainant to arrange money. On the request of complainant to release him they brought him to Saini Bhawan, Sector 24, Chandigarh and handed over the keys of Optra car to him. He was thrown out of the car and all those boys fled away from the spot. Those boys were addressing each other as Bhura, Jagira and PK.

3. Learned counsel for petitioners submit that statement of complainant under Section 174 Cr.P.C. was recorded wherein he has not named any of the petitioner. He in his affidavit, which has been placed on file as Annexure P-1, has specifically stated that petitioners are not assailants or have ever kidnapped him. No test identification parade of petitioners was got conducted, as such, petitioners may be allowed benefit of regular bail.

4. Learned counsel appearing for U.T. Chandigarh has argued that it is a case, which depicts pressure being exerted by petitioners on complainant. The complainant had remained in confinement of his kidnappers for a considerable long time and could identify them. The police has got identified petitioners while arresting them and had also obtained signatures of complainant on the arrest memo. The offence is quite serious in nature. Statement of complainant is yet to be recorded before the Court and grant of bail will provide opportunity to petitioners to prevail upon other witness, namely, Suraj as well.

5. As per case of prosecution, there are two victims, namely, Ashish and Suraj. Both had occasion to see and remain in confinement of their kidnappers for considerable long time. As per statement of Ashish

recorded before the learned Magistrate, Chandigarh, Suraj had escaped from the custody of his kidnappers while ransom was paid for the release of complainant.

6. Keeping in view seriousness of offence and that statements of victims have not been recorded in the Court so far, I find no reason to extend the benefit of regular bail to petitioners at this stage, as such, their bail applications are dismissed being without merits.

September 07, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No