

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

CRM-M No.44161 of 2018 (O&M)

Decided on: 15.10.2018

Gulshan Jagga

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. R.S. Mamli, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner under Section 438 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.539 dated 17.09.2018, for offence punishable under Section 384 read with Section 34 of the Indian Penal Code, 1860 (in short 'IPC'), registered at Police Station City Fatehabad, District Fatehabad.

As per the allegations in the FIR, the complainant – Neeraj Kumar stated that on 15.09.2018, Munish, co-accused of the petitioner gave a call from his mobile No.82955-66137 that he is a henchman of the petitioner – Gulshan Jagga and the complainant should give Rs.8,00,000/- within one week otherwise they will kidnap children of the complainant. It is further stated in the FIR that the petitioner namely Gulshan Jagga, is a man of criminal antecedents and is involved in the cases of murder and ransom.

Counsel for the petitioner has submitted that the petitioner has no role and no connection with the co-accused and he has been falsely implicated in the present FIR. It is further submitted that no offence of extortion as defined under Section 383 IPC is made out against the petitioner as no ransom was paid by the complainant.

Counsel for the petitioner has further argued that, in fact, the petitioner has got registered an FIR regarding robbery of his vehicle by some unknown persons and on that account, he has been falsely implicated in the present case.

Counsel for the State, on instructions from ASI Mahinder Singh, has however opposed the prayer for bail on the ground that there are call details of the mobile phone of the accused with the complainant on the given date and time and the petitioner – Gulshan Jagga is involved in 05 other FIRs out of which, he is facing the trial in 02 cases, including one under the NDPS Act. It is further submitted that custodial interrogation of the petitioner is necessary to find out the nexus between the two accused and his involvement in the case as co-accused has threatened the complainant that he is a henchman of petitioner and if, he failed to pay the amount of Rs.8,00,000/- from the complainant, they will kidnap the complainant's children.

After hearing the counsel for the parties, considering the serious allegations against the petitioner and also considering his antecedents, who is involved in number of other cases, I find that it is not a case where the relief of anticipatory bail to the petitioner should be granted as custodial interrogation of the petitioner is required.

For the foregoing reasons, the petition fails and is accordingly, dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

15.10.2018

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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No