

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

CRM-M-13606-2020(O&M)

Date of decision:-15.7.2020

Deepak alias Lefty

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Narender Kaajla, Advocate
for the petitioner.

Mr.Apoorv Garg, DAG, Haryana.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner –
Deepak @ Lefty, aged about 22 years – an accused in FIR No.33 dated
17.2.2020 for the offence under Sections 387, 34 IPC (offence under
Section 342 IPC added later on), registered at Police Station Uklana.

Briefly stated, the facts of the case as per prosecution story

are that criminal machinery in this case was set into motion by complainant Kuldeep son of Rajpal, aged about 38 years, resident of Uklana, Hisar, who in the written complaint submitted by him addressed to SHO, Police Station Uklana stated that he is running a hotel under the name and style of 'Tamana Hotel' at Bhuna road, Uklana; on 11.2.2020 at about 6:00 p.m. when he along with his friend Krishan son of Mange Ram, resident of Hisar were sitting in room No.107 of that hotel talking with each other, then manager of his hotel, namely, Ram Mehar handed over his mobile phone to him on which Deepak @ Lefty (present petitioner) had conversation with the complainant, who asked him about his whereabouts; after that mobile call, Deepak @ Lefty along with four other unidentified persons came to room No.107 of his hotel, where Deepak @ Lefty told the complainant that he was member of Bittu Gang and if the complainant wanted to run hotel, then he would have to pay them Rs.10 lakhs as ransom by Thursday, otherwise, he would be killed; Deepak @ Lefty further threatened the complainant that in case he lodged any complaint with the police, then they would kill him; on 12.2.2020 at about 12:00/1:00 in the afternoon, Deepak @ Lefty made a call to the complainant on his mobile phone threatening that in case complainant did not come to meet him by the next date, then he would kill him; the complainant had recorded that conversation; further on 14.2.2020, the complainant received a WhatsApp call on his mobile phone from Kala Nara, elder brother of petitioner/accused threatening that since the complainant had not paid Rs.10 lakhs to them, they would kill him; the complainant was terrified and had not informed the police promptly;

subsequently he gathered courage and intimated the police about the incident; he stated that since CCTV cameras were installed in his hotel, he would hand over the CCTV footage of 11.2.2020 along with mobile call recording to the police.

On the basis of such complaint, formal FIR was recorded. Accused were arrested in this case. The petitioner had filed an application for regular bail in the Court of Sessions, which was declined by learned Additional Sessions Judge, Hisar vide order dated 20.5.2020, as such, he has approached this Court with the same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has argued that the petitioner is innocent; that there is unexplained delay in reporting the matter to the police; the petitioner had not demanded any ransom from the complainant; the mobile phone alleged to have been used to threaten the complainant is neither in the name of petitioner nor has been recovered from him; the co-accused of the petitioner from whom alleged recovery of articles used in the commission of crime had been effected had been granted bail by Court of Sessions; that the petitioner is in custody since 29.4.2020, therefore, he be granted concession of regular bail.

Whereas this request is being opposed vehemently by the State counsel.

I find that the allegations against the petitioner/accused are

indeed very serious and grave. He is specifically named in the FIR and it is clearly mentioned that he accompanied by four other persons had come to hotel of complainant and had threatened him, asking him to pay the ransom amount, otherwise he would be killed. The CCTV footage said to have been collected by the police during investigation of the case corroborates this fact so does the mobile conversation to that effect between petitioner/accused and the complainant. The mere fact that mobile phone does not stand in the name of petitioner/accused and was not recovered from his possession does not point out towards his innocence. Now-a-days the criminals are smart enough not to use the mobile phones in their names for criminal activities, rather most of times, such phones taken in the names of non existing persons by giving fake identity proofs or in the names of some other person are being used. Furthermore, after committing of crime, the criminals try to conceal the evidence of the crime and this fact of the mobile phone being not in name of petitioner/accused and having not been found from his possession cannot be given undue importance. It is a matter of deep concern that a large number of persons especially the youth in the region have started treading the path of crime to get easy money. Collecting ransom amount is considered to be an easy way of collecting money. Such type of crime can however be not taken lightly because that creates fear psychosis among the public discouraging the people to start new business and to develop it further. The petitioner cannot claim parity with the co-accused who are said to have been granted bail by learned Additional Sessions Judge, Hisar. The petitioner appears to be the main culprit in the case. The plea

taken that there is delay in recording FIR and statement of co-accused is not admissible in evidence and there is no independent corroboration to the version of prosecution etc. are not much relevant for the purpose of deciding a petition for regular bail, though they may have some relevance while determining the guilt of an accused during the trial. The yardstick for grant of regular bail is entirely different. The gravity of the allegations, the chances of petitioner/accused running away from the process of law, his attempts to influence the prosecution witnesses etc. are the factors, which need to be taken into consideration. Here the gravity of allegations against the petitioner/accused coupled with the fact that there is reasonable apprehension of his absconding and running away and trying to threaten and intimidate the prosecution witnesses, if released on bail clearly debar him from concession of regular bail.

Therefore, finding no merit in the petition, the same stands dismissed.

15.7.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No