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

CRM-M-51666 of 2019 (O&M)

Date of decision: August 06, 2020

Baljit Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Naveen Sharma, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG Punjab.

MAHABIR SINGH SINDHU, J

CRM-16230-2020

Miscellaneous application for preponement of the date of hearing in the main case which is fixed for today itself, i.e. 06.08.2020, thus, the application is rendered infructuous.

Ordered accordingly.

Main case

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.200 dated 27.09.2017, under Sections 364-A/34 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Civil Lines, Bathinda, District Bathinda.

Brief facts of the case are that above FIR was registered at the instance of Complainant-Mohan Lal with the allegations that on

27.09.2017, at about 11:00 A.M., he had gone to St. Joseph School, Bathinda to pick up his grandson aged 12 years and when he was parking his car, then saw that one Jai Dev Singh (his ex-employee) along with some unknown persons aged 20/22 years (present petitioner) forcibly put his grandson inside the Accent car No.PB-03-AU-0660 and fled away towards Bhagu road. Complainant raised alarm and informed the police control room at number 100 as well as to his family members about the occurrence. When efforts were being made for the search of minor child, then complainant received a phone call from mobile number 98142-54094 with a demand of ₹50 lacs as ransom till 5:00 P.M. on the same day, failing which, the caller threatened that they will kill the child.

It is contended by learned counsel for the petitioner that he is in custody for the last approximately three years and there is no material available on record regarding his complicity in the present case; also contends that as per the allegations of the prosecution, petitioner was only accompanying the co-accused-Jai Dev Singh, but there is no specific role attributed to him; further contends that there is no progress in the trial as prosecution witnesses are not being examined and his incarceration is prolonged unnecessarily; thus, he deserves the concession of bail.

On the other hand, learned State counsel opposed the prayer and submitted that minor child along with Accent car were recovered from the possession of both the accused; also submitted that .315 bore pistol, two live cartridges as well as one mobile phone were recovered from the petitioner by the police during investigation and both the

accused were arrested then and there. Further submitted that petitioner has played an active role in the commission of the heinous crime of kidnapping for ransom; thus, does not deserves the concession of bail.

Heard both sides and perused the paper-book.

As per the allegations of the prosecution, both the accused, i.e. Jai Dev Singh along with the present petitioner kidnapped 12 years old grandson of the complainant in broad-day light from the School parking on 27.09.2017. Thereafter, complainant received a phone call from mobile No.98142-54094 to pay the ransom of ₹50 lacs till 5:00 P.M. on the date of occurrence itself and in case of failure, the caller threatened that they will kill the child; thus, their act is virtually dare-devil. Sufficient material has been collected by the police during investigation to the effect that petitioner along with co-accused-Jai Dev Singh kidnapped the minor child for ransom, but fortunately the child was recovered along with the Accent car from the confinement of both the accused and they were arrested on the spot. During investigation, police also recovered one pistol of .315 bore, two live cartridges and one mobile phone from the petitioner which were used in the commission of crime, thus, his complicity in the present case is well apparent.

No doubt, the right of speedy trial is well recognized for an accused and in the present case, there is considerable delay in conclusion of the proceedings; thus, the valuable right of the petitioner has been diluted. At the same time, it is necessary to mention here that delay in conclusion of the trial is not attributable either to the prosecution or to the Court concerned, but the same is on account of the unprecedented

situation of pandemic, i.e. COVID-19.

Concededly charges under Sections 364-A/34 IPC have already been framed against both the accused, i.e. Jai Dev Singh as well as present petitioner and during the course of hearing, nothing has been brought to the notice of this Court that there has ever been any deliberate attempt by the prosecution for delaying the trial at any point of time.

Since there is sufficient material collected by the police regarding the active role played by the petitioner while kidnapping the minor child for ransom of ₹50 lacs and as such, the allegations are very serious in nature; thus, in the opinion of this Court, mere delay in trial is not a ground for granting bail pending trial.

Consequently, this Court has no option except to dismiss the present petition.

Ordered accordingly.

However, keeping in view the custody of the petitioner, learned trial Court is requested to accord some preference to the present case, as and when the situation becomes conducive for the trial.

The observations made above may not be construed as an expression of opinion on the merits of the case in any manner.

(MAHABIR SINGH SINDHU)
JUDGE

August 06, 2020

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No