

CRM-M-20619-2021

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

CRM-M-20619-2021

Date of decision: 27.05.2021

Mohammad Ishtiak @ Toofan

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Aruz Khan, Advocate,
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G.Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.161 dated 20.07.2019, registered at Police Station Canal Colony, Bathinda, under Sections 370, 373, 363 and 182 IPC.

Learned counsel for the petitioner contends that the above-noted FIR was registered against some unknown person and rather, the petitioner has been indicted on the disclosure statement suffered by co-accused, Mohammad Faizan. It is also submitted that there is nothing on record to show that the petitioner was involved in selling the human organs; that the challan already stands presented and that the petitioner has been in custody since 26.02.2020.

While opposing the aforesaid submissions made by the learned counsel for the petitioner, learned State counsel submits that the petitioner is also a member of the gang indulged in kidnapping the minor children and selling the human organs. It is also submitted that the minor is still

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untraceable.

I have heard the learned counsel for the parties.

As per the case of prosecution, son of the complainant went missing on 19.07.2019 and she was of the belief that her son had been kidnapped by some unknown person. During the course of investigation, accused-Mohammad Faizan and Pankaj Kumar were indicted in the present case and accused-Mohammad Faizan made a disclosure statement that after kidnapping the minor, he had sold him to Pankaj Kumar. He also named the petitioner to be a member of their gang and was accompanying him while the minor son of the complainant had been kidnapped. It is noticed in the impugned order dated 10.11.2020 that son of the complainant was firstly sold to co-accused, Pankaj Kumar, who further handed him over to accused-Rakesh Kumar, who had murdered him and sold his organs.

There are serious allegations against the petitioner that he being a member of the gang, is indulged in kidnapping the minor children and selling them to other persons, who carry on business of sale of human organs, by committing the murder of such kidnapped children.

Considering the allegations against the petitioner to be a sensitive and serious one, this Court does not find any merit in the present petition.

Dismissed.

27.05.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No