

229

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.46933 of 2021 (O&M)
Decided on: 16.11.2021

Ram Niwas

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. M.S. Dalal, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.42 dated 16.02.2021, for offence punishable under Sections 387, 307, 120-B of the Indian Penal Code (in short 'IPC') (Section 216 IPC added later) and 25 of the Arms Act, registered at Police Station Kalayat, District Kaithal.

Counsel for the petitioner has submitted that the petitioner is aged about 57 years and he was not named in the FIR or in the statement of any of the witnesses. It is further submitted that in fact, the FIR was registered at the instance of one Shekhar, that he is running a shop wherein he received a phone call from mobile No.98133-38391 on his mobile No.94163-88341 and the person from the other side, disclosed his name as Raju and demanded Rs.15.00 lacs as ransom money by stating that he belongs to a gang of Parveen @ Binny. In

response, the complainant stated that he has no money. After 2-3 days, a person namely Sonu came to his shop and threatened him by giving the name of Parveen @ Binny and took clothes from his shop for Parveen @ Binny. Again, he came to his shop and took clothes. Thereafter on 16.02.2021, a vehicle stopped in front of his shop and somebody sitting at the back seat of the car, rolled down the window glass and fired shot towards the complainant with intention to kill him, however, he rescued himself.

Counsel for the petitioner has further submitted that the petitioner is the father of aforesaid Parveen @ Binny and the allegations against him are that he has given his mobile phone to co-accused Sanjay @ Sonu, so as to enable Parveen @ Binny, to have a talk with him i.e. the petitioner and there was no intention or knowledge of the petitioner that the same will be misused for making any ransom call. It is further submitted that there is no evidence that during the investigation, the police has not collected any evidence to show that the petitioner was part of the alleged conspiracy and has been roped in the case being the father of Parveen @ Binny. It is also argued that the investigation is complete and the petitioner is in custody since 08.07.2021 and he is involved in 02 cases under the Electricity Act wherein he is on bail and except that he is not involved in any other case under the Indian Penal Code.

Counsel for the State has not disputed the factual position but opposed the prayer for bail on the ground that since the mobile phone of the petitioner was used for making ransom call, he may not be granted the concession of regular bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is aged about 57 years; he was not named in the FIR or in the statement of the prosecution witnesses and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

16.11.2021
yakub

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