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

CRM-M-1250-2022

Date of decision:08.02.2022

HARPINDER SINGH AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Mandeep Kumar Dhot, Advocate
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab,

(Through Video Conferencing)

SURESHWAR THAKUR, J. (ORAL)

1. In FIR No.540 of 23.10.2021, registered at Police Station Zirakpur, District SAS Nagar, Mohali, offences constituted under Sections 379-B, 364-A, 365, and, 506 of IPC 1860, are embodied.

2. The bail petitioners alongwith other six co-accused, is alleged to abduct the complainant, one Kuldeep Singh. They are also alleged to belabour the complainant-abductee one Kuldeep Singh, besides are alleged to mete threatenings to him, that unless he pays to them a sum of Rs.5 lacs, thereupon, he shall be eliminated. Moreover, the bail petitioners alongwith other co-accused is alleged to threaten the complainant-abductee one Kuldeep Singh, that his Alto car hence in their possession, shall not become released, unless he pays to them a sum of Rs. 5 lacs. Moreover, the bail

petitioners, and, other accused are also alleged to snatch the mobile, and, purse of the abductee wherein a sum of Rs. 2500/- was kept. In addition, they are also alleged to snatch the aadhar card of the abudcutee one Kuldeep.

3. The learned State counsel on instructions, meted to him by the investigating officer concerned, ASI Jaswinder Singh submits, that though, the bail petitioner No.1 has hence ensured the recovery, at his instance, of Alto car, and, also of Honda car occupied at the relevant time by the accused concerned. Moreover, he also submits, that though that the aadhar card of the abductee, and, also the purse of the abductee containing a sum of Rs. 2500/-, is yet to be recovered, to the investigating officer. However, the afore recoveries are yet to be effected at the instance of the other co-accused alongwith the bail petitioners.

4. The learned State counsel further submits, that the victim-abductee one Kuldeep Singh has not received any injuries, on his person. However, he submits, that the investigations into the offences (supra), cannot be concluded, as yet certain above recoveries are to be made at the instance of other co-accused.

5. Be that as it may, the learned State counsel, has also drawn the attention of this Court to the factum of the bail petitioner concerned, making a disclosure statement, to the investigating officer concerned, about his ensuring the recovery, at his instance to him, of the mobile phone of the abductee. The recovery, in pursuance to the afore made disclosure statement has yet remained uneffected by the bail petitioners, to the investigating officer concerned. Though, the bail petitioner concerned, is in judicial detention, and, is not in police remand, and, when only during police

remand, the investigating officer concerned, may have taken to ensure that the accused concerned, making to him, the recovery of the mobile phone of the abductee one Kuldeep Singh. However, even if the period of police remand has ended, yet since the mobile phone of the abductee one Kuldeep Singh, as became snatched by the bail petitioner concerned, and, thereafter, during his custodial interrogation, in his disclosure statement, as made to the investigating officer, he made echoings, that he would ensure its recovery, at his instance to the investigating officer concerned, whereas, his not, in pursuance to the aforemade disclosure statement ensuring the effectuation of recovery thereof, to the investigating officer concerned.

6. Consequently, the above disclosure statement maybe *prima-facie* admissible, and, relevant evidence, and, its legal effect cannot become stalled, through the maker of the disclosure statement failing to, in pursuance thereof, ensure its recovery, to the investigating officer concerned. Therefore, this Court can yet proceed to, as a preemptory condition precedent, for admitting to bail, the bail petitioner concerned, who, made the afore disclosure statement, hence, impose a condition upon, him, that if he fails to, within seven days after his being admitted to bail, and, rather ensure effectuation of recovery, at his instance, to the investigating officer, of the mobile phone of the abductee one Kuldeep Singh, thereupon, the order admitting to bail, the bail petitioner concerned, shall become *ipso-facto* annulled, and, the investigating officer concerned, shall be entitled to forthwith arrest the accused concerned, and, to thereafter produce him, before the learned trial Magistrate concerned, for the latter making order for his being put to judicial detention.

7. Consequently, and also since the bail petitioners are in judicial

custody for the last four months. Therefore, they are admitted to bail only subject to the afore referred condition, which shall apply only to the maker of the disclosure statement (supra). Moreover, also subject to the further condition, that they shall furnish personal, and, surety bonds in the sum of ₹50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to theirs not tampering with prosecution evidence, and, also theirs not influencing prosecution witnesses, and, besides also theirs appearing before the trial Court concerned, as and when directed to make their personal appearance unless exempted for valid reasons.

8. Disposed of.

9. Copy dasti.

08.02.2022

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(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned:-	Yes/No
<i>Whether reportable:</i>	<i>Yes/No</i>