

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

223

CRM-M-18573-2022
Date of decision: 11.07.2022

HIMANSHU

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Mukesh Yadav, Advocate
for the petitioner.

Mr. Ashish Yadav, Additional A.G. Haryana.

Mr. C.S. Bakshi, Advocate
for the complainant.

VINOD S. BHARDWAJ. J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case bearing FIR No. 46 dated 22.02.2021 registered under Sections 341, 364-A, 365, 201 read with Section 34 of the Indian Penal Code, 1860 at Police Station Sadar Narnaul, District Mahendergarh.

2. Briefly, the facts of the present case was registered on the basis of complaint filed by Ajay son of Ram Singh, are to the effect that he is a resident of village Dhani Kojinda and pursuing his study in 10 + 2 in Aarohi Model School, Mandhana. His cousin Dinesh Saini was also studying in the same School with him. On 22.02.2021 he along with his cousin Dinesh were coming to his house at around 2: 30 p.m. after attending the school on a motorcycle bearing registration No. HR 35-S-8391 driven by Dinesh, a white colour Scorpio was seen parked on the kaccha side near the under construction flyover ahead of village

Mandhana. The Driver of the said Scorpio suddenly drove his Scorpio in front of the motorcycle and 03 youngsters came down from the same. They took out the keys of the motorcycle of the complainant and one of them alleged that his cousin Dinesh has molested a girl of his vilage thereafter Dinesh was abducted and put into a vehicle, which they drove towards Seka side. It is stated that they had their faces muffled with clothes and that his brother may be traced out. The FIR in question was eventually registered.

3. Learned counsel appearing on behalf of the petitioner points out that the petitioner is not named in the instant FIR and that no role has been attributed to him. He contends that as per the concluded investigation, the petitioner is stated to have some conversation with co-accused Vikas (cousin of the victim Dinesh) and is attributed to have participated in facilitating the offences. He further contends that victim has already been examined and that he has not named the petitioner. It is also pointed out that the petitioner is in custody since 24.02.2021 and no further purpose would be served by continued custodial detention of the petitioner.

4. Mr. Ashish Yadav, Additional Advocate Genera, Haryana appearing on behalf of the respondent-State has however pointed out that the petitioner is a neighbour of the victim and that he was actively involved inasmuch as not he only conveyed about the whereabouts and movements of the victim as well as the family but also gave continuance information and update to the accused persons about the steps being initiated by the family including the police action if any. It is further alleged that the ransom demand of Rs. One Crore was made

by the other assailants. It is pointed out that the active participation and the feedback given by the petitioner rather was intended to facilitate safe passage for the other accused persons. It was only by sheer chance that the victim made a good escape.

5. Learned counsel appearing on behalf of the complainant has relied upon the submissions by the learned counsel appearing on behalf of the respondent-State.

6. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their able assistance.

7. The mere fact that the victim Dinesh Kumar has been examined and has not nominated the petitioner as an accused does not demolish the case of the prosecution since it is a matter of investigation and the victim is not required to be aware of the participation and the information being furnished by the petitioner to the other co-accused. The active connivance of the petitioner with the other co-accused in order to facilitate complete commission of the offence deserves to be deprecated. The statement of the complainant is yet to be recorded. The offence is heinous and intended to spread fear in the society. No ground is made out.

The petition is accordingly dismissed.

(VINOD S. BHARDWAJ)
JUDGE

JULY 11, 2022

vishal sharma

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