

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

CRM-M-42334-2022 (O&M)
Date of Decision:- 29.9.2022

Jakir Hussain ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kapil Aggarwal, Advocate for the petitioner.

Mr. Krishan K. Chahal, Addl. A.G., Haryana.

Mr. Rajesh Lamba, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No. 94 dated 27.5.2022 under Sections 365/34, 364-A, 420, 506, 120-B, 109, 412 IPC and under Section 25 of the Arms Act at Police Station City Tauru, District Mewat (Nuh).
2. The FIR was lodged at the instance of Hassam wherein it is alleged that on 27.5.2022 when his son Imran was playing alongwith other children in playground, he was kidnapped by two masked men and was taken away in a Wagon-R vehicle. It is alleged that upon receipt of said information, the complainant rushed to the spot and submitted his complaint. It is further the case of prosecution that the complainant, being scared, had not disclosed complete information initially but subsequently got a supplementary statement recorded to the effect that the kidnappers had demanded a ransom of ₹40 lacs by calling him on his mobile phone and that he had managed to

collect ₹22 lacs and had passed on the same to the kidnappers, who thereafter released his son.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that it is a case where it is not just the petitioner but even his son has been implicated. It has been submitted that it is highly unlikely that a father and son together would indulge in such offences.
4. Opposing the petition, the learned State counsel assisted by counsel for the complainant has submitted that the petitioner has a chequered history and is a life convict and it was during the period when he had been granted bail by this Court that he has committed the present offence alongwith co-accused. The learned State counsel has submitted that the petitioner's son Sahil has specifically named the petitioner in his disclosure statement and petitioner's son had also got recovered a knife used in the commission of crime apart from an amount of ₹2.5 lacs and that a total of ₹16 lacs out of the ransom amount of ₹22 lacs had been recovered from the co-accused Ajay, Harish and Moin. The learned State counsel has also informed that during the course of test identification, the kidnapped child Imran had identified Ajay, Harish and Moin while Sahil did not participate in the test identification on the premises that he had already been seen by the child.
5. This Court has considered rival submissions addressed before this Court.
6. The instant case cannot be said to be a false case inasmuch as a substantial amount out of the ransom amount paid by the complainant already stands recovered. The petitioner has a chequered record, being a life convict and

his own son has nominated him being a conspirator. In these circumstances, no special case for grant of anticipatory bail is made out.

7. There is no merit in the petition and the same is hereby dismissed.

29.9.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No