

CRM-M-5596-2023 (O&M)

219

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-5596-2023 (O&M)

Date of decision: July 13, 2023

Parveen

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Surinder Singh Virk, Advocate for petitioner.Mr. Vikas Bhardwaj, AAG Haryana assisted by
ASI Anup.

Mr. Wazir Singh, Advocate for complainant.

ARUN MONGA, J. (ORAL)

Petitioner seeks bail in a case bearing FIR No.0273 dated 21.05.2022, registered under Section 365 of the Indian Penal Code, 1860 (for short 'IPC') (Sections 201/34, 341, 364-A, 506 of IPC and Section 25 of Arms Act, 1956 added later on), at Police Station Quilla Panipat, District Panipat.

2. Per First Information Report (FIR), complainant Ashish informed that he and his brother Neeraj were together at a common place on 21.05.2022. At around 2:00 p.m, Neeraj left for home. But he neither reached home nor took calls on his phone. Later, his sister Shikha told that 4-5 boys came looking for Neeraj. Complainant then started frantically looking for his brother Neeraj and that's when he found his motorcycle parked on a road. On enquiry from neighborhood shopkeepers, it was revealed with 4-5 goons came in a Bolero jeep at about 2.15 pm and forcibly abducted his brother. An FIR was registered. During investigation, on disclosure statement of accused-Ankur, Neeraj was got recovered and was handed over to his brother-Ashish. Parveen (petitioner) got recovered his mobile phone from which call for ransom was made. Ankur also got recovered mobile

CRM-M-5596-2023 (O&M)

phone and knife used in commission of offence. Owner of Bolero vehicle No.UP-12BC-6515, namely Mintu was issued notice under Section 133 of M.V. Act. Said vehicle was got transferred to this case from another FIR No.278/2022. Per prosecution version, Neeraj had been kidnapped/ abducted for ransom. During investigation, petitioner was arrested two days later on 23.05.2022.

3. Learned counsel for petitioner submits that petitioner has been falsely implicated in this case. He submits that petitioner has been implicated in this case on the basis of disclosure statement of co-accused. There is no allegation against the petitioner of either possessing any weapon or otherwise any recovery from him, except a mobile phone. Out of total 25 witnesses, only 3 have been examined so far. The trial is unlikely to conclude in the near future. Petitioner is not required for custodial interrogation. There is no other case against the petitioner.

4. Per contra, learned State counsel, assisted by learned counsel for complainant, opposes the bail petition. She submits that besides other offences, petitioner has also committed a serious offence under Section 364-A IPC which entails life imprisonment. Prosecution witnesses, who have been examined, have supported the prosecution case. Further a few more independent prosecution witnesses are yet to be examined and there is every likelihood that petitioner may tamper with the evidence and influence the witnesses, in case he is released on bail.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. Allegations against the petitioner are serious in nature. Production of prosecution evidence is still underway. On the directions issued by a co-ordinate Bench of this Court on 08.02.2023, complainant Ashish and victim Neeraj have though been examined, but there are a few other private witnesses who are yet to

CRM-M-5596-2023 (O&M)

be examined. Being so, in the event of release on bail, possibility of the petitioner influencing/ intimidating witnesses cannot be ruled out, at this stage.

7. In the premise, instant bail petition is dismissed with liberty to the petitioner to file fresh one before learned Court below after the testimony of private witnesses concludes.

8. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits of the case and the same are for the limited purpose of hearing/ disposal of the instant bail petition alone and learned trial Court shall proceed further in accordance with law without being influenced with this order.

9. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 13, 2023

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No