

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15044-2023 (O&M)

Reserved on:16.11.2023

Pronounced on: **22.11.2023**

VIKRAM

. . . . Petitioner

Vs.

STATE OF HARYANA

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. B.S. Bajwa, Advocate, for the petitioner.

Mr. Randhir Singh, Addl. A.G. Haryana.

DEEPAK GUPTA, J.

By way of this petition filed under Section 439 CrPC, petitioner seeks his release on bail as an under trial, in case FIR No.280 dated 26.06.2022 registered at Police Station Model Town, District Panipat, Haryana, under Section 387 IPC (Sections 120B, 216, 386, 420 IPC added later on).

2. (a) As the status report filed by the respondent/State reveals, FIR was lodged on the complaint of Sandeep Goel, as per which on 26.06.2022, he received two telephonic calls on his mobile No.99961-23450 from Mobile No.+9779804842183. The caller threatened the complainant to eliminate him and his family and made demand of ransom amount of ₹20 lakh and further asked him to come and discuss the matter personally, telling that he will call again on 28.06.2022. Complainant was warned to be ready to face consequences in case he reported the matter to police. Caller further told the complainant that he was Kala Jathedi of Lawrence Bishnoi Gang.

(b) FIR was registered. After registration of the FIR, complainant disclosed on 29.06.2022 that he again received phone call from another mobile No.85728-34397 on his mobile No.99961-23450. Customer Application Form, ID and call detail records of mobile No.85728-34397 were taken into possession and it was revealed that said phone was registered in the name of one **Ramesh s/o Soma**, who on joined the investigation disclosed that he had given his mobile number to **Tushar s/o Ramesh** for the purpose of porting. It was further disclosed that said Tushar works for selling of the SIMs under the umbrella of Airtel at Sanoli Road, Panipat and that though the number belongs to him but he does not use the same. Tushar was arrested in due course on 05.07.2022 on finding incriminating evidence against him and during interrogation, he confessed to have committed the crime. Sections 420 and 216 IPC were added. As per the disclosure statement of accused-Tushar, accused-**Vikram (present petitioner)** and one **Ravinder @ Billu** were arrested on 05.07.2022 and after recording their statements, Sections 120B and 386 IPC were added. It was found that mobile No.+9779804842183 was the SIM of Ncell and the same was of Nepal from which the ransom call had been made. It was further found that Tushar had got activated mobile No. 85728-34397 from his mobile No.98918-99974 of his mobile set and then had helped accused Ravinder by giving the activated mobile number. It has been found that petitioner was present along with co-accused Ravinder when the ransom call was made from Nepal and from Panipat.

(c) During further investigation, complainant handed over one pen-drive having recorded conversation, whereby caller had demanded ransom of ₹20 lakh from the complainant. Voice sample of accused-Ravinder was taken and the same was sent to FSL Madhuban. Police report reveals further that as

per the disclosure statement of petitioner and accused-Vikram, Satish @ Jasi, Monu Jaat and Ajay resident of Shivpuri were also involved in the crime; and that they did not know any person by the name of Kala Jathedi.

(d) On completion of investigation final report under Section 173 CrPC had been filed. Case is at the stage of prosecution evidence and 5 witnesses out of 15 witnesses have already been examined including the complainant-Sandeep Goel and his uncle Ram Lal Goel.

3. It is submitted by ld. counsel for the petitioner that petitioner has been falsely implicated; that he has nothing to do with any of the co-accused nor he made any ransom call to the complainant. Ld. counsel further contends that petitioner is in custody for the last more than 1 year and 4 months and that no purpose would be served by keeping him detained and so, he be allowed bail.

4. Ld. State counsel opposed the bail petition by pointing out the nature of crime and the role attributed to the petitioner.

5. I have considered submission of both the sides and have appraised the record carefully.

6. As the status report filed by the respondent/State reveals that it is co-accused Ravinder, who had made the ransom call. The only role attributed to the petitioner is that he was present alongwith co-accused Ravinder at the time of making the calls, which is based on disclosure statement and that petitioner himself did not make any ransom call. Petitioner was arrested on 05.07.2022 as per the police report and thus, he is in custody for the last more than 1 year and 4 months. Out of 15 witnesses cited by the prosecution, only 5 have been

examined so far and thus, trial is expected to take long time to conclude. All the offences in question are triable by the Magistrate.

7. Having regard to all the aforesaid facts and circumstances, but without commenting anything further on merits of the case, petitioner is admitted to regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Allowed.

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

22.11.2023
Vivek

(DEEPAK GUPTA)
JUDGE

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| 1. Whether speaking/reasoned? | Yes |
| 2. Whether reportable? | No |