

210

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

CRM-M-14878-2024 (O&M)

Date of decision : 04.04.2024

Ranga Krishna Rao

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Bhupender Singh, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.621 dated 09.10.2023, under Sections 364-A, 201 & 120-B of the Indian Penal Code, 1860, registered at Police Station Gharaunda, District Karnal.

2. Allegations are that petitioner along with other co-accused hatched a criminal conspiracy; abducted the brother of complainant, namely, Ashu and demanded Rs.5.50 lakh as ransom.

3. Reply filed by of affidavit dated 03.04.2024 of Mr. Manoj Kumar, Deputy Superintendent of Police, Gharaunda, Karnal is taken on record. Copy thereof supplied to the other side.

Registry to do the needful.

4. Contends that petitioner has been falsely implicated in the present case and moreover, in view of allegations, the police was having no jurisdiction to register an FIR at Police Station Gharaunda.

Also submitted that petitioner is ready to join the investigation, but he be protected.

5. *Per contra*, learned State counsel, on instructions, submits that the petitioner actively participated in the commission of crime along with other co-accused while abducting the victim (Ashu). Also submitted that petitioner has been specifically named by the victim regarding his complicity in the present case, hence his custodial interrogation is required to know the true facts.

6. Heard learned counsel for the parties and perused the paper-book.

7. Allegations are that petitioner along with other co-accused abducted the brother of informant and he was recovered by the Police from a building situated at Hyderabad. The victim has specifically named the petitioner and *prima facie*, his role is apparent for commission of the crime.

8. As regards the contention about territorial jurisdiction is concerned, the law is well settled by the Hon'ble Supreme Court in ***Vishwanath Gupta Vs. State of Uttaranchal, (2007) 11 Supreme Court Cases 633***, wherein, it was held as under:-

“17. As regards the completion of Section 364-A is concerned, something more is required for that offence. Section 364-A was introduced in IPC by the Criminal Amendment Act (42 of 1993) which came into effect from 22-5-1993 because of the increasing number of cases where the victim is abducted and a demand for money is raised with a threat perception or danger to the life of that person and that person is ultimately put to death. Such kind of offences are not covered under sub-section (2) of Section 181. It is

not simply abduction or kidnapping. It is something more than ordinary case of abduction or kidnapping as defined in Sections 359 and 362. They are offences simpliciter of kidnapping and abduction. But here, in the case of Section 364-A something more is there, that is, that a person was abducted from Lucknow and demand has been raised at Haldwani, Nainital with threat. If the amount is not paid to the abductor then the victim is likely to be put to death. In order to constitute an offence under Section 364-A, all the ingredients have not taken place at Lucknow or Unnao. The two incidents took place in the State of Uttar Pradesh, that is, abduction and death of the victims but one of the ingredient took place, that is, threat was given at the house of the victims at Haldwani, Nainital demanding the ransom money otherwise the victim will be put to death. Therefore, one of the ingredients has taken place within the territorial jurisdiction of Haldwani, Nainital. Therefore, it is a case wherein the offence has taken place at three places, i.e. at Haldwani, Nainital, where the threat to the life of the victim was given and demand of money was raised, the victim was abducted from Lucknow and he was ultimately put to death at Unnao. Therefore, the trial could be conducted in any of the local jurisdiction that is Haldwani, Nainital, in the State of Uttaranchal, Lucknow or Unnao, within the State of Uttar Pradesh. But in the present case the case was registered at Police Station Haldwani, and the investigation started at Haldwani therefore the local jurisdiction to try the offence shall be at Haldwani/Nainital. If the investigation agency wants to prosecute or file a challan at Haldwani/Nainital Court, then District Nainital will have jurisdiction to try the matter. It is wrong to say that Additional Sessions Judge, Third Fast Track Court, Nainital has no jurisdiction. The view taken by Additional Sessions Judge, Third

Fast Track Court, Nainital is wrong and we set aside the same though the High Court has set aside but for wrong reasons. In this view of the matter, we are not inclined to interfere with this matter. We dismiss the special leave petition and direct that Additional Sessions Judge, Nainital will have jurisdiction to try the offence.”

9. Moreover, the phone call for ransom was allegedly received within the jurisdiction of Police Station Gharaunda and initially, FIR was registered under Section 346 IPC. Above all, the contention so raised by learned counsel for the petitioner would be a matter of trial and the same shall be gone into by learned trial Court, at appropriate stage.

10. In view of the above, there is no option except to dismiss the petition.

11. Ordered accordingly.

12. The above observations may not be construed as an expression of opinion on merits of the case, in any manner.

13. Pending application(s), if any, shall also stand disposed off.

04.04.2024

atulsethi

**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No