

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

221/2

2024:PHHC:018216

CRM-M-38457-2023 (O&M)

Date of decision: February 7th, 2024

Lakhveer Singh @ Lakhvir Singh @ Lakha

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Abhinav Oberoi, Advocate
for the petitioner.

Mr. Mohit Kapoor, Additional Advocate General, Punjab.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.53 dated 07.07.2022 under Sections 364-A, 473, 411, 379, 34 of the IPC and Section 25 of the Arms Act, 1959, registered at Police Station Kheri Gandian, District Patiala.

2. Learned counsel for the petitioner, *inter alia*, contends that he is completely innocent and has been falsely implicated in the case in hand for allegedly kidnapping an eight year old boy and thereafter, demanding a ransom of ₹3 lakh from the boy's father. While drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, which was registered at the instance of the Ex-Sarpanch of the village, learned counsel has submitted that a perusal of the same reveals that he was neither named therein nor any suspicion raised by the complainant qua his involvement in the kidnapping of the boy. Rather, the FIR in question was registered against unknown persons and furthermore, no test identification parade was also carried out.

It has still further been submitted that a false recovery of two live cartridges was shown to have been effected from the petitioner; his false implication and this false recovery need to be appreciated from the factum of no firearm being recovered from him. A prayer has been made by the learned counsel that since the investigation in the case at hand is complete and charges also stand framed, his further incarceration would serve no useful purpose as now he has been in custody since 08.02.2022. Learned counsel has still further submitted that the trial is unlikely to conclude in the near future as 25 prosecution witnesses still remain to be examined.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has submitted that there are serious allegations against the petitioner, who kidnapped an eight year old boy at 7:30 AM when the boy was going to his school and threatened the boy's father with dire consequences in case he did not pay a ransom of ₹3 lakh. Learned State counsel has further submitted that during investigation, recovery of the motorcycle on which the petitioner along with the co-accused kidnapped the boy and ₹1 lakh which had been paid as ransom to him, were recovered. Learned counsel has further submitted that keeping in view the serious allegations levelled against the petitioner and the factum of the material witnesses i.e. the eight year old boy and his father yet to be examined, the petitioner's prayer for regular bail be declined as there was every likelihood that in case he is enlarged on bail, he could evade the process of law or intimidate the prosecution witnesses.

4. I have heard learned counsel for the parties and perused the

relevant material on record.

5. *Prima facie*, there are serious allegations against the petitioner, who along with co-accused, kidnapped an eight year old boy in broad daylight and thereafter demanded a ransom from the boy’s father in the sum of ₹3 lakh.

6. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to enlarge the petitioner on bail.

7. The instant petition stands dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

February 7th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No