

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-46262-2024 (O&M)
Date of Decision:-30.9.2024

Deepak Malik... Petitioner

Versus

State of Haryana... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amitabh Tewari, Advocate for the petitioner.
Mr. Neeraj Sheoran, DAG, Haryana.
Mr. Piyush Aggarwal, Advocate for the complainant.

FIR No.	Dated	Police Station	Section/s
266	26.8.2024	Bhondsi, District Gurugram	115, 127(2), 127(6), 140(3), 3(5) of Bharatiya Nagarik Suraksha Sanhita, 2023, (BNSS)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of the
aforementioned FIR.
2. The FIR was lodged at the instance of Gaurav Goyal, wherein he alleged that
on 23.8.2024 he was abducted by Deepak Malik (petitioner), Kapil Dagar,
Mukesh Dagar and another 2-3 persons, who forcibly made him sit in a car
driven by Kapil Dagar. It is alleged that he was taken to Garhi Wajidpur
Road, Village Alipur in Gurugram at Malik Farm House, where he was given
beatings. Later he was taken to a hotel in Gurugram, where he was kept till
the next day and was later again shifted to Malik Farm House. It is alleged



that the accused made a 'whatsapp' call to his mother and demanded ransom of Rs.10 lakhs from his brother. While the complainant was confined, a Habeas Corpus petition i.e. CRWP-8210-2024 (Annexure P-5) was filed in this Court seeking release of the complainant, wherein vide order dated 25.8.2024 a Warrant Officer was appointed, who conducted a raid at Malik Farm House Village Alipur in Gurugram, where Gaurav Goyal was found detained and was got released. Consequently upon the aforesaid facts having been disclosed by complainant Gaurav Goyal, the instant FIR came to be lodged.

3. Status report by way of affidavit of Shri Abhilaksh Joshi, H.P.S. Assistant Commissioner of Police, Sohna, Gurugram has been filed by learned State counsel, which is taken on record.
4. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the present case at the instance of the complainant, who himself has criminal antecedents. It has been submitted that as a matter of fact the complainant himself is a tenant in the farm house in question and has come out with a concocted version to falsely implicate the petitioner and others.
5. Opposing the petition, learned State counsel submitted that having regard to the serious nature of allegations, which have been found to be substantiated and as a matter of fact some evidence in the shape of CCTV footage has also been collected against the accused, no case for grant of anticipatory bail is made out.
6. This Court has considered the rival submissions addressed before this Court.



7. It is a case where the allegations as levelled by the complainant as regards his abduction by the accused and having been detained thereafter forcibly by the accused at the farm house of the accused have *prima facie* been found to be substantiated from the report of Warrant Officer, who had been appointed by this Court vide order dated 25.8.2024 passed in CRWP-8210-2024 (Annexure P-5) to conduct a raid at the farm house in question inasmuch as the Warrant Officer subsequently reported that Gaurav Goyal was found to be forcibly detained in the said farm house and he had got him released. Under these circumstances and having regard to the nature of allegations of kidnapping, forcible detention and also of demanding of ransom, no substantial case for grant of anticipatory bail is made out.
8. The instant petition, as such, is found to be sans merit and is hereby dismissed.

30.9.2024
Pankaj

(Gurvinder Singh Gill)
Judge

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