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2024:PHHC:036454

CRM-M-50786-2023
Date of decision : 14.03.2024

Versus

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Mr. Mohit Kapoor, Sr. DAG, Punjab.

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.165 dated 17.08.2022 registered for the offences punishable under Sections 364-A, 365 of the Indian Penal Code and Section 25 of Arms Act, 1959 (Sections 328, 346, 323, 482, 468, 471 IPC added later on) at Police Station Sadar Kharar, District SAS Nagar, Mohali.

“xxx stated that I am resident of abovementioned address and I work as manager in Usari Sahikari Sabha limited at Ludhiana Agar Wala Makan. I have two kids, eldest among them is Sakshi aged 22 years ad younger son namely Hitesh Dumbra aged 20 years. That my younger son Hitesh Dumbra is doing B.E. Computer Science from Chandigarh University, Khadua, who resides in room No.220 of Chandigarh University, Khadua, Hostel Zakir. Today on 17.08.2022 at about 10:55 am, from my son's Mob.

No.7973589385 received a call on my wife Smt. Rajinder Kaur's Phone No.8264135528 and some unknown persons was talking from my son's mobile phone who said that you are Hitesh's mother speaking, he has been kept by us at a secret place and if you want to see him alive, then give us Rs.50 Lac to release him, where you have to give money we will tell you later. Thereafter, I alongwith my family members came at Chandigarh University, Dhadua to see my son and enquired about my son from the staff members of the Chandigarh University. But we could not find anything, but it was clarified from the staff members of the Punjab University that my son is not there in the university on which me and my family members were going to the nearest police station to give information and we find you alongwith police party at Bus Stand Dhadua. Legal action be taken against unknown person/persons who called us on our abovementioned mobile phone saying that they have kidnapped our son and kept him at secret place and asked for ransom.xxx”

3. As per the prosecution the victim was found confined at house in Ranjit Nagar and the petitioner was apprehended from the spot.
4. Counsel for the petitioner submits that the petitioner is behind bars since 19.08.2022. Challan already stands presented and the complainant stands examined.
5. State Counsel is not in posititon to dispute the factual assertions made by counsel for the petitioner based on record.
6. I have heard counsel for the parties and have gone through records of the case.
7. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the material witness stands examined and the trial is not going to conclude in

near future, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

March 14, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No