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(208)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53007-2024 (O&M)

Date of Decision: 12.11.2024

RAJ KUMAR ALIAS RAJU

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Varun Sandhu, Advocate
for the petitioner.

Mr. A.S. Chaudhary, Addl. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in this 3rd petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.292 dated 06.08.2023 (Annexure P-1) registered under Sections 364/A and 120-B IPC at Police Station Bilaspur, District Yamunanagar.

2. The present FIR came to be registered at the instance of Gaurav Gupta S/o Ram Kumar and the same reads as under:-

To, SHO, Police Station Bilaspur, Sir, It is requested that I am Gaurav Gupta S/o Mr. Ram Kumar Caste Bania R/O 268 Kali Mata Mandir Wali Gali Bilaspur, and my father Ram Kumar Ji is running a grocery store in front of Guga Mari and used to go to Hartaul Road for a walk every morning and comes back after walking for an hour or two. He had gone for a walk today on 06/08/2023 at 6.10 AM and Who has his mobile number 90502-98678, who did not come back home till around 7.30



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AM, but from his mobile number 90502-98678, a call came from my father on my mobile number 93501-15746 that I will come back by evening on which we sat quietly but now at around 10.30 AM, a call came from my father's mobile number 90502-98678 was received on my sister's number 93064-79338, who said that someone has abducted him and they are demanding 50 lakhs of rupees and all the gold and are saying that if we inform the police, then they will kill him. Now we have come to you and narrated the entire incident to you. Appropriate action should be taken on my application and my father should be searched and recovered. Sd/- Applicant Gaurav Gupta mobile no. 93501-15746.

3. During investigation, Ram Kumar alias Ramu the abducted person was recovered and suffered a statement under Section 164 Cr.P.C. to the effect that he had been kidnapped for ransom in an Innova Car bearing No.HR-58A-9431.

4. Thereafter, accused Aman Kumar @ Sonu, Rahul, Parminder @ Sidhu and Raj Kumar @ Raju (petitioner) were arrested on 08.08.2023 and Car No.HR-58A-9431 make Innova used by the accused persons for kidnapping the victim was recovered from them. Accused Rahul got recovered the mobile phone make Samsung of the victim from the said Innova Car. Thereafter, accused Pankaj and Bhimsen @ Bhima were arrested on 09.08.2023. Accused Aman Kumar @ Sonu got recovered a car bearing No.HR-02AE-1157 used by him for conducting the recce of the victim. A motorcycle Splendor bearing No. HR-02AX-5117 was recovered from accused Pankaj used by him in the occurrence. Accused Bhimsen @ Bhima



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got recovered motorcycle used by him for conducting the recce of the victim. The arrested accused disclosed the involvement of one Pawan Deha @ Harsh son of Baldev in the occurrence who had used a country-made pistol to kidnap the victim. On 10.08.2023, the accused persons recovered the cloth used by them for blind-folding and tying the hands of the victim.

The petitioner suffered his disclosure statement on 08.08.2023 admitting to his involvement in the present occurrence. He along with his co-accused Aman, Rahul and Parminder @ Sidhu were identified by the victim vide memo dated 08.08.2023. The victim also identified his mobile phone.

During the course of the investigation, the mobile call detail records of the accused, complainant and victim were collected.

The complainant handed over two pen drives containing the conversation between him and the accused persons. The voice samples of the accused persons were taken and had been sent to the FSL Madhuban, Karnal for analysis.

The report under Section 173 Cr.P.C. was presented against Aman Kumar @ Sonu, Rahul, Parminder @ Sidhu, Raj Kumar @ Raju, Pankaj and Bhimsen @ Bhima after which 11 of the 16 prosecution witnesses came to be recorded.

Pawan @ Harsh son of Baldev was arrested on 08.09.2024 and country-made pistol along with two live cartridges was recovered from him.

5. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case without any basis

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whatsoever. As he was in custody since 10.08.2023 and the trial was nowhere near completion, he was entitled to the concession of bail.

6. A reply dated 08.11.2024 by way of an affidavit of Kanwaljeet Singh, HPS, Deputy Superintendent of Police (HQ), Yamuna Nagar has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, he contends that accused persons kidnapped the victim for ransom. The petitioner and his co-accused were duly identified by the victim in an identification parade. As many as 11 of the 16 prosecution witnesses stood examined. Therefore, the trial at its fag end. Be that as it may, the nature of the allegations levelled against him did not entitle him to the concession as prayed moreso, when his last bail application was withdrawn as recently as on 20.09.2024.

7. I have heard the learned counsel for the parties.

8. The allegations against the petitioner are indeed grave. He along with his co-accused kidnapped the victim for ransom. On being apprehended, the victim disclosed the number of the Innova car in which he was kidnapped. The said vehicle was recovered from the accused persons. The petitioner has been duly identified during the course of a test identification parade by the victim. As many as 11 of the 16 prosecution witnesses stand examined. The last bail application was argued and withdrawn as recently as on 20.09.2024. No change in circumstances have been pointed out entitling the petitioner to the grant of bail.



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9. In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

10. However, the Trial Court is directed to conclude the Trial as expeditiously as possible.

(JASJIT SINGH BEDI)
JUDGE

12.11.2024

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No