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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3237/2024**
FARMAANPetitioner

Through: Mr. Gaurav Bindal, Mr. Dharmendar
Kumar and Mr. N. Sagar Varma,
Advocates

versus

STATE OF NCT OF DELHIRespondent
Through: Ms. Meenakshi Dahiya, APP for the
State with Inspector Ichha Ram, P.S:
Daryaganj.

CORAM:
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **06.09.2024**

CRL.M.A. 26974/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

BAIL APPLN. 3237/2024

1. An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioner for grant of regular bail in FIR No.0030/2021 under Sections 364A/34 IPC registered at P.S.: Daryaganj. Chargesheet has been filed under Sections 364A/377/419/347/120B IPC and 25/27 ARMS Act.
2. Issue notice. Learned APP for the State appears on advance notice and accepts notice.
3. In brief, as per the case of the prosecution, on 01.02.2021, Shabnam @ Muskan (complainant) was present alongwith her husband (Sadique) at Daryaganj, when four accused kidnapped Sadique. After ransom calls were received for Rs. 5 lacs to release Sadique, a surveillance was kept on the



location of the accused. Further Head Constable Mohd. Javed was sent as decoy customer alongwith Rs. 1,000/- (two notes of Rs. 500/- alongwith paper cutting), as the accused agreed for ransom amount of Rs. 50,000/-. As soon as the aforesaid amount was handed over to the accused, the Police Team overpowered the accused and rescued Sadique. All four accused, namely, Swapnil, Vijay Kumar, Arpit Sharma and Farman (petitioner herein) were apprehended at the spot. A country made pistol alongwith two live cartridges and a walki-talkie was also recovered from the possession of the co-accused Swapnil.

4. Learned counsel for the petitioner submits that Shabnam @ Muskan (W/o Sadique) has not supported the case of prosecution and further Sadique has been partly examined who also did not support the case of prosecution in his examination-in-chief.

5. On the other hand, learned APP for the State vehemently opposes the application and submits that the prosecution version is also based primarily on the testimony of police witnesses, since Sadique was released after the payment of amount by decoy customer, Head Constable Mohd. Javed. She further submits that even if Shabnam @ Muskan alongwith Sadique may have turned hostile, the case is supported by other evidence on record. She informs that Sadique is still under cross-examination and the next date of hearing is fixed for 23.10.2024 and emphasizes that a belt and cap of Delhi Civil Defence alongwith two empty shells of cartridges were recovered from the possession of the petitioner.

6. Considering the totality of facts and circumstances, evidence on record and heinous nature of offence, no grounds for bail are made out.

Application is accordingly dismissed. Pending applications, if any,



stand disposed of.

A copy of this order be forwarded to learned Trial Court and Superintendent Jail for information and compliance.

SEPTEMBER 6, 2024/PU

ANOOP KUMAR MENDIRATTA, J.