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CRR-345-2024 (O & M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(173)**

CRR-345-2024 (O & M)

Reserved on : 19.05.2026

Date of Pronouncement: 20.05.2026

Date of Uploading:20.05.2026

Arshad Ali

..... Petitioner

V/s

State of Haryana and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Arav Gupta, Advocate with
Ms. Ashmeet Kaur, Advocate, for the petitioner.

Mr. T.P. Singh, Sr. DAG, Haryana.

Mr. Pradeep Duhan, Advocate with
Ms. Ishita Arora, Advocate,
for respondents No.2 to 4.

JASJIT SINGH BEDI, J. (Oral)

CRM-21363-2026

The application for placing on record the statement of the petitioner under Section 164 Cr.P.C. (Annexure P-7), is allowed as prayed for subject to all just exceptions. The same is taken on record.

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The challenge in the present petition is to the order dated 19.01.2024 passed by the Additional Sessions Judge, Nuh whereby the application under Section 319 Cr.P.C. moved by the complainant-Liyakat

Ali has been dismissed.

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2. The brief facts of the case are that on the basis of the statement of Liyakat Ali, FIR No. 840 dated 14.12.2017 under Sections 323, 364-A and 34 IPC was registered at PS Sadar Nuh, District Nuh. The respondent Nos. 2 to 4, namely, Ramjan son of Jumma, Mehmood son of Ramjan and Ismail son of Jumma were also nominated as accused in the FIR. The translated version of the FIR is reproduced hereinbelow:-

To The Incharge Police Post Nalhar (Medical College) Sub-Application for taking legal action against Ramzan son of Jumma, Mohd Faiz son of Mohd Sabir, Mohd Nasir sons of Ramzan resident of Dhakka Basti Rewari, Mola Khan @ Kaddal, Abbas, Israil @ Pappu sons of Jumme Khan, Hasim, Ahmad sons of Mola Khan @ Kaddal, Nasim son of Abbas, Kasim son of Israil @ Pappu @ Ismail son of Jumme Khan, Khalil son of not known resident of Nall PS Nagina and Shakil son of Younus resident of Thalthana, Ilyas son of Fazar resident of Sudaka and Akbar son of not known resident Badarpuras and five other unidentified persons for kidnapping, giving life threats and demanding ransom. Sir, It is requested that the marriage of Arshad Ali brother of applicant was solemnized with Aasia @ Fatima daughter of Ramzan and behaviour of Aasia @ Fatima since beginning was not appropriate with our brother and also with our entire family. Ramzan is a greedy person. He has filed false cases of dowry maintenance etc, against my brother and us with malafide intention to extract money from us. They are on bail and since that time they are keeping personal grudge against us. They used to give threats to my brother and family members (us) about forcible abduction and threat to kill., Brother of applicant had submitted an application vide dispatch no. 1566 PGSPL DSP Tauru and Dispatch No. 1789 PGSPL DSP DT 10/50/CC dated 03.11.17 to

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the police authorities but no action was taken and the accused persons gained courage. 2. That on dated 14.12.2017 my brother left home at 9 AM to join his duty in Medical College Behind him at a distance of about 1500/1700 meters I was also going for my duty. Before he reached medical college, suddenly three vehicles stopped bearing No. HR360800 SENTRO 2. HR36A722 Kwid, HR279625 Sacripo and started giving beatings to my brother and forcibly boarded him in Scorpio. As soon as I reached there they speeded away in their vehicles and told me that if you want your brother then come with Rs 10 Lakh at Nangal Pahar, however, I had dialled 100 and called police who have inspected the spot They have told that if you failed to give Rs 10 Lakh, your brother will be killed. They have forcibly abducted him. You are kindly requested to take strictest legal action and my brother be got freed and be saved from this illegal ransom. I shall be thankful to you. Sd/- Liyakat Ali Dt 14.12.17 Mobile-9991016686.

3. During investigation, the statement of the Arshad Ali/victim was recorded under Section 164 Cr.P.C. and the same reads as under:-

Statement U/s 164 CrPC

Statement of Arshad Ali S/o Nawab Khan, resident of Malab, Tehsil Nuh, Mewat Aged 26 years

Identified by IO Hardev Singh

- I got married on 5th May 2011.

- My wife's name is Arshiya @ fatima.

- I have two children, a boy and a girl

- My in-laws had filed a false dowry case against me in the court. My family members were also involved in said case. I



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used to go to the court on all hearing. I used to pay for all the expenses also. I tried many times to save the relationship but she did not agree. She even refused to take divorce. After some time I married again so that I could take care of my children. Panchayat was also held and on one date I could not attend as on that date there was court hearing also. On 14/12/17, when I was going to my duty, some people kidnapped me and beaten me with sticks and dandas. Faiz, Sabir, Mehmood and unknown persons beat and kidnapped me. My father in law was sitting in another car. They tied me up and took me to the hills of Naggal village. They kept me there whole night and did terrible things to me. The next day at 4:00 am, they took me to another location and locked me in a small room (Kothadi). The following day, they handed me over to some goons and told them to kill me. When I pleaded with them, Faiz felt pity for me and they took me to another place. There, I begged my father-in-law to spare my life. They threatened me, saying that if I took any legal action against them, they would kill me. Then Ismail (father in law) handed me over to police. Ramzan (father in law) asked that I should be killed. I am afraid of taking any legal action against them. I am willing to live with my wife, but I am afraid that my in-laws might again kill me. I fear my life. I want to settle the present matter. Otherwise they will kill me.

4. The investigating agency filed a challan only against Mohd. Illyas son of Fajjar, Sakil son of Yunus, Sabir son of Ramjan, Faiz Ahmed son of Ramjan, Abbas son of Jumma and Ahmed son of Male Khan @ Kakkar and declared respondents no. 2 to 4, namely, Ramjan son of Jumma, Mehmood son of Ramjan and Ismail son of Jumma as innocent.

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5. After the charge was framed, victim-petitioner/Arshad Ali (hereinafter known as the petitioner) appeared as PW-1, SI Hardev Singh appeared as PW-2 and the complainant-Liyakat Ali appeared as PW-3. PW-1/Arshad Ali (petitioner) and PW-3/Liyakat Ali (complainant) specifically submitted that Ramjan son of Jumma, Mehmood son of Ramjan and Ismail son of Jumma had played active roles in committing the offences alongwith others who were facing trial. It was specifically submitted by PW-1/Arshad Ali that demand of ransom was made specifically of Rs.10,00,000/-. The police reached there and PW-1/Arshad Ali was freed from the clutches of respondents No.2 to 4 and others who are facing Trial.

The relevant extract of the deposition of PW-1/Arshad Ali reads as under:-

On dated 14.12.2017, at about 09.00 a.m., I was going to SHKM, Nalhar on Motorcycle for my duty and when I reached near before SHKM, Nalhar, three vehicles came there bearing registration No.HR-27F-9625, make Scorpio, another vehicle make Kwid, bearing registration No.HR-36AB-0722 and third vehicle make Santro, bearing registration No.HR-36P-0800 and Scorpio vehicle strucked my Motorcycle and I fell down. In the meantime, accused namely Mehmood, Sabir, Faij and Irfan alighted from Scropio vehicle and attacked me with lathi, dandas etc whereas Ramjan, Ismile @ Pappu son of Jumma and Akhtar son of Chhaju, resident of village Badarpur, who alighted from Kwid vehicle and said that tied me with rope and took him to the hill area of village Nangal and the occupants of the Santro Car namely Sakeel son of Yunus, Iliyas son of Fajjar, Abbas, Kaddal @ Malekhan were taking me towards village Nangal hill area. They were coming from 1500 meters behind

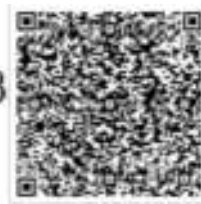
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me and reached at the spot and Mehmood stated from the window that if your brother wanted alive, you should bring Rs.10 Lakh as ransom. The same words were spoken by Ramjan to my brother. They took me in village Nangal hill area. There Mohd. Sabir, Irfan gave beatings to me with saria (iron rod), Faij and Mehmood gave me lathi blows and Ramjan said to them that I should be beaten till his brother reach at the spot with money of Rs.10 lakh and there Kaddal @ Male Khan, Abbas, Ismile @ Pappu son of Jumma were present there. Iliyas son of Fajjar and Sakeel son of Yunus having intoxicant medicines in their hands and tried to administer me but in the meanwhile police vehicle came there. Iliyas and Sakeel along with Santro vehicle were caught hold by the police from the spot. Ramjan, Abbas, Mehmood, Sabir, Faij took away me at the top of the hill area and they managed to flee away from the spot. They undress and beaten me and Mehmood ask me to bring ransom amount of Rs.10 Lakh from my brother. They confined me in 'kothri' at unknown place. They again beat me. They threatened me if ransom amount is not paid by brother till evening they will hand over me to some other bad elements. On the next day, they hand over me to bad elements and confined me in 'kothri'. Those bad elements also beaten me and they also threatened to kill me if the amount of ransom was not paid. On the next day, they took me in another kothri and confined me there where Ramjan son of Jumma, Saira wife of Ramjan, my wife Arsiya @ Fatima threatened me if ransom amount was not paid then I would be killed by them. I made a prayer from Faij, Ismile @ Pappu to release me and they got me released from hooligan persons with the condition that I would not do any legal action against them and amount of Rs.10 Lakh also to be paid to them and on the next day i.e. 18.12.2017, while going to unknown place and reached near village Jatka Siswana then



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police released me from them. The hooligans also obtained my signatures on some blank papers, when I was in custody of those hooligans. Police brought me to Police Post, Jaisinghpur and recorded my statement. I was got medico legally examined in CHC, Nuh and my statement under Section 164 Cr..P.C. was got recorded, which is Ex.P1, which bears my signatures and from there I was got treated in SHKM, Nalhar. Accused Sabir, Faij, Iliyas, Sakeel, Abbas and Ahmed are present in the Court and other persons Ramjan, Akhtar, Ismile @ Pappu, Nasim, Mehmood, Nasir, Irfan are not present.

6. Thereafter, the complainant-Liyakat Ali filed an application under Section 319 Cr.P.C. praying for summoning the respondents No.2 to 4.

7. The Additional Sessions Judge, Palwal vide order dated 19.01.2024 dismissed the application under Section 319 Cr.P.C. leading to the filing of the present petition at the instance of the victim-Arshad Ali.

8. The learned counsel for the petitioner contends that the findings of the Trial Court are based on conjectures and surmises and run contrary to the law and the evidence on the file as settled by the Hon'ble Supreme Court in the case of '**Hardeep Singh versus State of Punjab and others 2014(1) RCR (Criminal) 623**'. The Trial Court has not considered in its proper perspective the statements of the prosecution witnesses who are consistent regarding the manner in which the occurrence took place and the role played by the respondents. He, therefore, prays that the impugned order dated 19.01.2024 be set aside and the respondents No.2 and 3 be summoned to face Trial as additional accused alongwith the accused already facing Trial.

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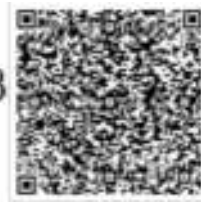
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9. The learned counsels for the State-respondent No.1 and respondents No.2 to 4, on the other hand, contend that while 06 accused persons have been challaned, the remaining accused including the respondents No.2 to 4 have been placed in Column No.II. Surprisingly, the complainant-Liyakat Ali has sought the summoning of only 03 out of the 11 accused persons who have been declared innocent by the police and it apparently, shows that the name of the several persons were mentioned in the complaint without any basis. In fact, the present FIR is an outcome of a matrimonial dispute between the petitioner-Arshad Ali (PW-1) and his wife- Ms. Aasia @ Fatima daughter of Ramjan-respondent No.2 and sister of Memood-respondent No.3. Therefore, no fault can be found with the impugned order dated 19.01.2024 and the present petition is liable to be dismissed.

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

11. When this matter had come up for hearing on 26.02.2024, the learned counsel for the petitioner did not press the present petition as regards respondent No.4-Ismail and notice was issued only respondent No.2-Ramjan and respondent No.3-Mehmood.

12. A perusal of the statement under Section 164 Cr.P.C. of Arshad Ali, the victim would reveal that amongst the kidnappers, Mehmood-respondent No.3 was also present at the spot and had beaten him. Respondent No.2-Ramjan who is the father-in-law of Arshad Ali was sitting in another car. The allegations have been reiterated when Arshad Ali-victim was examined as PW-1. There is no evidence available on record as to on



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what basis, respondents No.2 and 3, namely, Ramjan and Mehmood were exonerated. It would not be out of place to reiterate here that respondent No.2 is the father-in-law of Arshad Ali and respondent No.3-Mehmood is the brother-in-law. Therefore, their presence at the spot and the role played by them cannot be doubted at this stage at least for the purposes of summoning them as additional accused.

13. In view of the above discussion, at this stage, *prima facie* there is sufficient evidence inculcating the respondents No.2 and 3 requiring them to face Trial as additional accused alongwith the challaned accused.

14. Therefore, the present petition is allowed and the impugned order dated 19.01.2024 is quashed. Respondent No.2/Ramjan son of Jumma and respondent No.3/Mehmood son of Ramjan are ordered to be summoned as additional accused to face Trial alongwith the accused already facing Trial.

15. The pending application(s), if any, shall stand disposed of accordingly.

May 20, 2026
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No