

CIS No. BA326 of 20.03.2023
C.N.R.Number : PBRO01001277-2023

Present: Shri Sheikhar Shukla, Advocate counsel for applicant/accused.
Shri Gurpreet Singh, Additional Public Prosecutor for State assisted by Sh. Kamal Singh Saini Advocate counsel for complainant.

ORDER:

1. Arguments on regular bail application moved by applicant/accused Saleem Sher Ali under Section 439 of Code of Criminal Procedure in case bearing FIR No. 76 dated 06.10.2022 under Sections 365, 458, 368, 182, 211, 195, 120-B of Indian Penal Code registered at Police Station Chmkaur Sahib, heard. Police record produced and perused.
2. Learned counsel for applicant/accused has argued that applicant/accused has been falsely implicated in this case. Co-accused Billan @ Billo has already been released on bail by the Hon'ble Punjab & Haryana High Court. He has further argued that Challan has already been presented and the complainant of the case has not supported the story of the prosecution by stating that there is no role of the applicant/accused as her daughter was never kidnapped. Applicant/accused was arrested on 16.03.2023 and he has in judicial custody since 17.03.2023. Nothing is required to be recovered from the possession of applicant/accused. Therefore, it is prayed, that

applicant/accused may kindly be granted the concession of bail.

3. On the other hand, learned Additional Public Prosecutor for the State has argued that applicant/accused in connivance with his co-accused Billan and others concocted a story of kidnapping Nazira daughter of Alam Ali brother of accused Billan in order to falsely implicate Babu, husband of Billan, Mashoom Ali uncle of Babu, Murad Ali son of Mashoom Ali, Kaku brother of Babu and three/four other unknown persons and got registered FIR against said Babu and others on false facts. During investigation the investigating Officer has found that Billan in connivance with her co-accused Sharif Ali @ Bhau son of Kasamdin and Salim Ali son of Sher Ali has got registered this FIR on false facts against Babu Khan and others by concocting a false story in order to teach her husband Babu Khan a lesson as she was having a matrimonial dispute with Babu Khan. It is further submitted by him that the daughter of Alam Ali namely Nazira was got kidnapped by Billan herself (author of this FIR) in connivance with applicant/accused and Sharif Ali son of Kasamdin to falsely implicate Babu Khan and others. He has also submitted that Alam Ali whose daughter was allegedly kidnapped had also connived with his sister Billan to get registered this case of kidnapping of his daughter by Babu Khan and others on false facts and as such the non supporting of the prosecution case by him while making

statement in the Court as PW-1 itself is not sufficient to grant the concession of bail to applicant/accused as the main witnesses Babu Khan and others as well as the Investigating Officer who has found the lodging of this FIR on false facts by Billan in connivance with applicant/accused and others against Babu Khan and others are yet to be examined. Therefore it is prayed that the bail application moved by the applicant/accused may kindly be dismissed.

4. As per allegations of the prosecution, an FIR regarding kidnapping of Nazira daughter of Alam Ali by Babu Khan and others from the house of Billan forcibly after giving beating to Billan was got registered by Billan against said Babu Khan and others. During investigation of the said case it was found that Billan got registered the said FIR against her husband Babu Khan and his relatives on false facts due to her matrimonial dispute with Babu Khan after getting her niece Nazira daughter of Alam Ali kidnapped through applicant/accused Salim Ali son of Sher Ali resident of Raipur, Police Station Sri. Chamkaur Sahib and Sharif Ali @ Bhau son of Kasamdin resident of Bhaddi, Tehsil Balachaur District Nawashahar. Said Billan was arrested and during interrogation she has confessed that she concocted a false story of abducting the daughter of Alam Ali by her husband Babu Khan and others in order to falsely implicate them in this case after getting Nazira

daughter of Alam Ali kidnapped through Sharif Ali son of Sher Khan and Bhau son of Kasamdin and they kept Nazira in the house situated at Bhaddi. After concluding the investigation Challan was presented against said Billan under Section 365, 368, 211, 182, 195, 120-B IPC. No doubt Challan was presented against co-accused Billan and that Alam Ali brother of accused Billan whose daughter Nazira was allegedly kidnapped has not supported the prosecution case when he came into witness box as PW-1 during trial, but it does not cause any help to the applicant/accused for getting himself released on bail when Investigating Officer who has found the registration of a false case by Billan in connivance with applicant/accused and others against Babu Khan and others regarding kidnapping of the daughter of her brother Alam Ali after getting her kidnapped through applicant/accused and another and the other material witnesses are yet to be examined. Therefore, I am of the view that the custodial interrogation of the applicant/accused is required to trace out the manner in which they kidnapped Nazira daughter of Alam Ali and kept her in their custody to falsely implicate Babu Khan and others in this case in connivance with his co-accused Billan.

5. Therefore, keeping in view the gravity of the offence, I do not find any justification to grant the concession of bail to applicant/accused and as such, bail application moved by

applicant/accused is dismissed. Police record be returned. File of this bail application be consigned to record room.

Announced:

Dated:-23.03.2023.

(Sham Lal),
Additional Sessions Judge,
Rupnagar
[UID Number : PB0123]

Rakesh Kumar stenographer-I