

**CRM-18469-2025 in
CRA-D-123-2020**

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AMIT RANA @ MEETA V/S STATE OF HARYANA

Present: Mr. J.P. Jangu, Advocate
for the applicant-appellant.

Ms. Shaveta Sanghi, D.A.G., Haryana.

FIR No.	Dated	Police Station	Sections
197	17.05.2018	Sector 17-18/Gurugram	364-A/ 307/ 379-B/ 482/ 34 IPC

Criminal Case no. before trial Court	CNR No. HRGR01-011897-2018 Date of Decision: 05.12.2019
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Convict's name	Penal provision	Sentence
Amit Rana @ Meeta	307 r/w 34 IPC	RI for 10 years
	397 r/w 34 IPC	RI for 1 year
	364-A r/w 34 IPC	RI for Life
	482 r/w 34 IPC	RI for 1 year

1. The applicant/Appellant, convicted as mentioned above, had come up before this Court on 01.05.2025 by filing the present application under Section 430 of BNSS, 2023 seeking suspension of sentence.
2. Vide order dated 31.01.2020, a Division Bench of this Court had stayed the recovery of fine during the pendency of the appeal, and the said order is continuing till date and admitted the appeal for final hearing.
3. Per the custody certificate dated 02.08.2025, the convict's custody in the above FIR is 08 years, 03 months, and 05 days.
4. Facts of the case are taken from paragraph 2 of the impugned judgment, and it shall be appropriate to extract the said paragraph, which reads as follows:

“3 The facts of the prosecution case are that on 17.05.2018 an information through control room was received in connection with the kidnapping of one person and demand of ransom at Ghora chowk, Gurugram. On receipt of this message ASI alongwith Insp. Chander Parkash and other police officials who were on crime patrolling duty, had informed the concerned ASI telephonically whereupon ASI had contacted the mobile phone of complainant and he had told him that he is present at Hero Honda chowk. Thereafter, ASI alongwith SHO Insp Chander Parkash had rushed to Hero Honda chowk where complainant Upendra had met them and had moved a written complaint while maintaining therein that he is permanent resident of Tihri Garwal, Uttarakhand and presently residing at Sector 10, Gurugram. He was working as accountant in EVS Fashion ltd situated at Sector 37, Gurugram. His nephew Pardeep Singh had been booking the orders in Agen Chairs Hotel, M.G Road DLF, Gurugram from the last one year.

On 17.05.2018 at 1.15 A.M, he had received one phone call for his nephew's mobile phone no. 9650239907 on his mobile phone no. 9818930148 that his nephew is in their possession and the offender had demanded Rs. 50,000/- as ransom. Thereafter he received several phone calls regarding ransom failing which they will kill Pardeep. He had further averred that he had arranged Rs. 20,000/- and the accused persons had asked him to come to Hero Honda Chowk. After reaching Hero Honda Chowk, he had given Rs. 20,000/- to them. Those persons had told him that he had fired a shot on the foot of his nephew and had thrown him somewhere at Bhondsi Jail Road. He had searched his nephew at Jail Road, but could not trace him. He had further averred that accused persons had kidnapped his nephew and received Rs. 20,000/- as ransom. He could not see the number and mark of the vehicle but he can identify two boys sitting in the vehicle and prayed that his nephew may kindly be recovered and legal action be taken against the culprits. On the basis of said allegations, present case was registered and investigation was carried out by ASI Shaster. Efforts were made to trace out the culprits but to no effect. Thereafter further investigation was conducted by SI Parveen Kumar. During investigation, the accused persons were arrested and have admitted their guilt regarding the present occurrence in another FIR No. 155/2018 under Section 25 of Arms Act whereupon the accused persons were summoned through production warrants. After seeking permission from the court, they were joined into investigation of this case and their disclosure statements were recorded. In pursuance of their disclosure statements, accused Amit had got recovered Rs. 8000/- and accused Ajay had got recovered Rs. 7500/- from their respective places. The site plan of the place of occurrence and place of recoveries were prepared. During the investigation, Ct. Jogender, complainant and SI Shaster Singh had made efforts to search Pardeep (nephew) and he was found to be thrown near Sector 62, Baba Building Material, Gurugram in an injured condition and he was got admitted in hospital for treatment. After completion of investigation, final report under section 173 Cr.P.C was submitted.”

5. S. 364(A) of IPC, 1860 reads as follows:

364A. Kidnapping for ransom, etc.—Whoever kidnaps or abducts any person or keeps a person in detention after such kidnapping or abduction, and threatens to cause death or hurt to such person, or by his conduct gives rise to a reasonable apprehension that such person may be put to death or hurt, or causes hurt or death to such person in order to compel the Government or any foreign State or international inter-governmental organisation or any other person] to do or abstain from doing any act or to pay a ransom, shall be punishable with death, or imprisonment for life, and shall also be liable to fine.

6. Although there was a demand for ransom, which is one of the foundational distinctions between 364-A and 364, where the words “Ransom” are not in the provision, there is still another aspect, which is the absence of involvement or any pressure on the Government or any foreign State or inter-governmental organization, and in this context, on any other person. This Court does not intend to say that Section 364-A is not prima facie attracted because it would be at the time of hearing the appeal, when such stage would arise.

7. However, considering the time which is likely to take for the turn of this appeal for actual hearing, the amount of ransom being Rs. 50,000/-, coupled with the gun shot injury on leg (right thigh), which is a non-vital part of the body, and **the applicant's custody of more than 8 years 03 months with remission and more than 7 years and 1 months without remission**, are sufficient grounds to suspend the sentence.
8. Given the above, and without expressing any final opinion on the case's merits and in the peculiar facts and circumstances of the matter, the execution of the sentence of imprisonment is suspended till further orders. This order shall come into force from the time it is uploaded on this Court's official webpage.
9. Resultantly, provided the convict is not required in any other case, the convict's sentence is suspended and released on bail in the matter captioned above, subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the convict fails to appear, such surety can produce the applicant.
10. While furnishing a personal bond, the convict shall mention the following personal identification details:
- | | | |
|----|--|--|
| 1. | AADHAR number | |
| 2. | Passport number (If available) and when the attesting officer/court considers it appropriate or considers the convict a flight risk. | |
| 3. | Mobile number (If available) | |
| 4. | E-Mail id (If available) | |
11. The furnishing of the personal bonds shall be deemed acceptance of all stipulations, terms, and conditions of this bail order.
12. The observations made above are solely for deciding the suspension of sentence and will not influence the hearing of this appeal.
13. To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished.
14. *There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the convict can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants*

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to verify the authenticity, such an officer can also verify it and may download and use the downloaded copy for attesting bonds.

CRM stands allowed.

(ANOOP CHITKARA)
JUDGE

(MANDEEP PANNU)
JUDGE

05.08.2025
Jyoti Sharma

Whether speaking/reasoned	YES
Whether reportable	YES