

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.218

CRM-M-14897-2021 (O&M)

Date of decision: 03.11.2021

Vijesh (Bijesh) @ Chhotu

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Deepak Vashisth, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.963 dated 29.12.2020, registered under Sections 147, 149, 323, 367, 506 and 120-B IPC at Police Station Bhiwani Sadar District Bhiwani.

The petitioner is being prosecuted for having kidnapped the complainant and then given him threats and beatings.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; the petitioner is not named in the FIR; the petitioner's name surfaced only in the disclosure statement of co-accused Sonu which statement, even if made, has no evidentiary value since the same was made during the time that he was in police custody; the petitioner has no other criminal case pending against him; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, no specific role is attributed to the petitioner; the petitioner is in custody since 08.02.2021; investigation in this case is complete and therefore, the petitioner is not in a position to influence the same and that similarly placed co-accused Sinder Singh, who had approached this Court through CRM-M-14744-2021 – Sinder Singh vs. State of Haryana, has been granted anticipatory bail.

Learned State counsel opposes the grant of bail to the petitioner

on the ground that the petitioner, alongwith his co-accused, kidnapped the complainant and gave him beatings.

The petitioner is not named in the FIR; the petitioner has no other criminal case pending against him; no specific role is attributed to the petitioner; the petitioner is in custody since 08.02.2021; investigation in this case is complete and therefore, the petitioner is not in a position to influence the same and that similarly placed co-accused Sinder Singh has been granted anticipatory bail by this Court

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Bhiwani the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

November 03, 2021
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No