

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

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**CRM-M-30777-2021**

**Date of Decision: 10.08.2021**

Rahul Kumar Yadav

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present: Mr. Amandeep Singh Rai, Advocate,  
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,  
assisted by ASI Harpal Singh.

*(proceedings conducted through video conferencing)*

**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.55 dated 23.06.2020 at Police Station Ladhuwal, District Police Commissionerate, Ludhiana, under Sections 302/307/149/120-B IPC.
2. The FIR in question was lodged at the instance of Arjunpal, wherein it is alleged that on 22.06.2020, he alongwith Vakil Ahmed (deceased) went for work to the Mill and when they were returning back at about 10:15 PM, then 6/7 unknown persons armed with sticks attacked them and caused injuries on his head on account of which blood started oozing. It is alleged that the said assailants also gave beatings to Vakil Ahmed and after giving

beatings, they fled away from the spot. Vakil Ahmed was found lying unconscious and was in critical condition. Although he was taken to hospital, but he ultimately succumbed to the injuries.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and that the petitioner is sought to be nominated as an accused on the basis of alleged extra judicial confession made by 7 other co-accused before one Kuldeep Singh and that such like extra judicial confession would hardly carry any evidentiary value.
4. Opposing the petition, learned State counsel has submitted that since the name of the petitioner specifically figures in the extra judicial confession (Annexure P-2), no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner has been behind bars since the last about 1 year and that he is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner is nowhere named in the FIR and is not even stated to be identified by the complainant, when the assailants attacked the complainant and the deceased. A perusal of the extra judicial confession (Annexure P-2) made by 7 co-accused, namely, Rajvir Singh @ Raja, Lovepreet Singh @ Peeta, Gursewak Singh son of Balvir Singh, Gursewak Singh son of Swaran Singh, Prabhjot Singh @ Babba, Saranpreet @ Saran, Jasmit Singh @ Bunty before Kuldeep Singh shows that the petitioner is not even amongst the said persons, who made the

alleged extra judicial confession and is otherwise stated to be amongst the assailants.

7. Having regard to the facts and circumstances of the case particularly the fact that the evidentiary value of the extra judicial confession (Annexure P-2) qua the petitioner would certainly be debatable and while also noticing that the petitioner has been behind bars since the last about 1 year and is not stated to be involved in any other case, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

**10.08.2021**

Vimal

**(GURVINDER SINGH GILL)  
JUDGE**

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