

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

Sr. No.216

CRM-M-16294-2022

Date of decision: 24.05.2022

Brijesh Bhardwaj @ Shibhu

....Petitioner

Versus

U.T., Chandigarh

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Randeep Singh, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. P.P., U.T., Chandigarh.

Mr. Suresh Verma, Advocate
for the complainant.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.218 dated 23.11.2021 registered under Sections 363, 366 IPC at Police Station Sector 26, Chandigarh.

The petitioner is being prosecuted for having kidnapped the complainant's daughter.

Learned counsel for the petitioner contends that the petitioner, who is a 24 year old young boy, has been falsely implicated in this case as he was having an affair with the complainant's daughter which was against the wishes of the complainant; the petitioner has been in custody since 20.03.2022; investigation in the case is complete and therefore, the petitioner is not in a position to influence the same; in the statement made by the alleged victim before the Magistrate under Section 164 Cr.P.C., the petitioner has been exonerated of the crime he is accused of and that the petitioner's trial, which is yet to begin, will take a long time to conclude.

Learned State counsel as also learned counsel for the complainant oppose the grant of bail to the petitioner on the ground that he kidnapped a minor girl.

The petitioner has been in custody since 20.03.2022; investigation in the case is complete and therefore, the petitioner is not in a position to influence the same; in the statement made by the alleged victim before the Magistrate under Section 164 Cr.P.C., the petitioner has been exonerated of the crime he is accused of and that the petitioner's trial, which is yet to begin, is likely to take a long time to conclude.

Keeping in view the totality of the above facts, 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, Chandigarh, 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.

May 24, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

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