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

213-1

CRM-M-1836-2023**Date of decision : 22.08.2023****Ajay****..... Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Chirag Kundu, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.165 dated 17.08.2022, registered for offences under Sections 364-A and 365 of IPC, 1860 and Section 25 of Arms Act, 1959 (Sections 328, 346, 323, 482, 468 and 471 IPC, 1860 added later on), registered at Police Station Kharar, District SAS Nagar Mohali.

2. Learned counsel for the petitioner submits the petitioner has been falsely implicated in the present case and has not been named in the FIR, rather the FIR is against some unknown persons. As per admitted case of prosecution, it is only co-accused Ajay Kadiyan and a girl by the name of Rakhi who were found on the spot wherein the victim was kept after kidnapping. The petitioner has been nominated merely on the basis of disclosure made by co-accused Ajay Kadiyan. Apart from disclosure made by co-accused which is inadmissible in

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evidence, there is no incriminating evidence against the petitioner.

3. Learned State counsel has opposed the bail plea submitting that there are serious allegations levelled in the FIR, the co-accused who was apprehended from the spot has named the petitioner. However, he does not dispute that apart from extra judicial confession made by co-accused, there is no evidence that links the petitioner to the present offence.

4. Having heard counsel for the parties, without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the report under Section 173 Cr.P.C. already stands presented, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

5. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

22.08.2023

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No