

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:117762
CRM-M-17503-2023
Date of Decision: September 06, 2023

Vijay Mishra

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Avinash Mandla, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail in case FIR No.168, dated 30.12.2022, under Section 363 of IPC, registered at Police Station GRP Jalandhar, District Government Railway Police.

Status report has again not been filed by the State.

As per the allegations in the FIR, Shiva, a three years old son of complainant-Hira Lal, was kidnapped by one Rattan Singh. The attribution to the petitioner is that he had purchased the child from Rattan Singh. Said fact surfaced in the disclosure statement of Rattan Singh.

It is contended by learned counsel for the petitioner that the child was not recovered from the possession of the petitioner. Rather, it was recovered while roaming on the railway station. Learned counsel further contends that the case is dependant only upon the disclosure statement of co-accused Rattant Singh and that of the disclosure statement of petitioner Vijay Mishra, which in the absence of any recovery, are inadmissible. Learned counsel has also drawn attention towards the statement of PW1-Hira Lal, made during the trial, in which he has clearly stated that the child was not recovered from petitioner-

Vijay Mishra, but it is Rattan Singh, who had kidnapped the child.

The aforesaid contentions made by learned counsel for the petitioner have not been refuted by learned State counsel.

Custody certificate placed on record by learned State counsel, reveals that petitioner is in custody for the last 07 months and 18 days. He has no criminal antecedent.

Having regard to the afroresaid facts and circumstances, but without commenting anything on the merits of the case, the petitioner is admitted to bail and he is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate.

Allowed.

September 06, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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