



CRM-M-18608-2024

1

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

226

**CRM-M-18608-2024
Date of decision : 14.05.2024**

SALEEM KHAN**...PETITIONER****VERSUS****STATE OF PUNJAB****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present : Mr. Amandeep Saini, Advocate for
Mr. Pulkit Sachdeva, Advocate
for the petitioner.

Mr. Kuljit Singh, Addl. A.G. Punjab.

Mr. Rajesh Kumar Kashyap, Advocate
for the complainant.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case having FIR No. 017 dated 13.01.2024 under Sections 323, 325, 341, 365 and 34 IPC (Section 364 IPC added lateron) registered at Police Station Derabassi, District Mohali.

2. As per the allegations in the FIR co-accused Deepak and some other unknown person kidnapped complainant Ajay and then gave him beatings as a result of which he became unconscious and when the complainant regained consciousness, he found himself lying near the river Ghagar. Then the matter was reported to police. The present



CRM-M-18608-2024

2

petitioner was nominated as accused on the basis of disclosure statement suffered by co-accused Deepak and was arrested in this case.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner who was not named in the FIR was later on falsely implicated in the present case on the basis of disclosure statement made by co-accused and the same is inadmissible in evidence. It is further submitted that the petitioner is in custody for the last more than 03 months and 25 days and on completion of investigation, challan has been presented but the trial will take some time to conclude. Learned counsel for the petitioner further submits that now the matter was compromised between the parties and CRM-M-23623-2024 is already filed by the petitioner and other accused seeking quashing of FIR in question on the basis of compromise which is fixed for awaiting of the report of the trial Court regarding recording the statements of the parties on 04.09.2024. Learned counsel for the petitioner further submits that in the given circumstances no purpose is going to be served by detaining the petitioner for any number of period.

4. The present petition is resisted by learned State counsel who submits that no doubt the petitioner was not named in the FIR but his name surfaced in the disclosure statement of co-accused as per which the petitioner actively participated in the kidnapping of the complainant. However, learned State counsel has not disputed the fact that the petitioner is in custody for the last more than 03 months and 25 days and challan stands presented against all the accused persons including the petitioner. Learned State counsel has not disputed that the CRM-M-23623-2024 which was fixed for today is now listed for 04.09.2024.



CRM-M-18608-2024

3

5. Mr. Rajesh Kumar Kashyap, Advocate, who has appeared on behalf of the complainant while admitting the factum of compromise and pendency of CRM-M-23623-2024 submits that the complainant has no objection if the petitioner is released on regular bail.

6. I have considered the submissions made by counsel for the parties.

7. Admittedly, the petitioner was not named in the FIR and later on arrayed as accused on the basis of disclosure statement of co-accused Deepak and was arrested on 14.01.2024 and is in judicial custody. The police has presented challan and it will take considerable time for the trial to conclude. It also appears that now matter has been compromised between the parties who are already directed to get their statements recorded before the Court concerned on 18.05.2024 and the next date of hearing fixed in the petition seeking quashing of FIR on the basis of compromise is 04.09.2024.

8. In light of the above, this Court is of the view that no purpose is going to be served by prolonging the judicial custody of the petitioner. Thus, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

14.05.2024
monika

Whether speaking/reasoned ? Yes/No
Whether Reportable ? Yes/No