

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Vinod K. Kaushal, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Senior DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.332 dated 25.11.2023 registered under Sections 379-B(2), 34 of IPC (offence under Sections 411, 201 added later on), at Police Station Sadar Amritsar, District Police Commissionerate Amritsar, Amritsar.
2. Learned counsel for the petitioner contends that the petitioner was neither named in the FIR nor there is any averment in the FIR, which even remotely suggests the involvement of the petitioner in the alleged crime. Learned counsel further contends that the petitioner has been nominated as an accused on the basis of the disclosure statement suffered by co-accused Rakesh Kumar and admissibility of such statement is subject matter of adjudication before the trial Court. Apart from the statement suffered by the co-accused, there is no other legally admissible evidence against him. He further contends

that the petitioner was arrested in the present case on 28.11.2023 and the final report under Section 173 Cr.P.C. has already been presented against him. He further submits that the petitioner is the first offender and no other criminal case has been registered against him.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner and submits that the petitioner is not entitled to be released on bail.

4. I have heard the learned counsel for the parties and perused the record.

5. It is not in dispute that the petitioner was not named in the present case and has been named by co-accused, during the course of investigation. The petitioner is in custody for the last more than 4 months and no criminal case was ever registered against him.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

19.04.2024.
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(N.S.SHEKHAWAT)
JUDGE

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