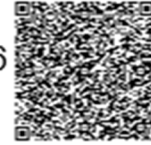


**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

2025:PHHC:128266



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CRM-M-40093-2025 (O&M)

Date of decision : 16.09.2025

Lovekesh Kumar @ Lavkesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Deepender Singh, Advocate
for the petitioner.

Ms. Himani Arora, DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in case bearing FIR No.518 dated 15.08.2024 registered under Sections 127(2), 140(2) and 3(5) of BNS, 2023 at Police Station Ballabhgarh City, District Faridabad.

2. As per the allegations, complainant Kunal Paswan had borrowed a sum of Rs.32,000/- from accused Ajay @ Baba and had agreed to repay the same along with interest @ 5%. He had returned an amount of Rs.13,000/-. On 14.08.2024, accused Ashok Tailor, who had helped him in taking money from accused Ajay, caught hold of the complainant and had called accused Ajay at that place. Accused Ajay reached there on a motorbike along with an unknown person. Accused Ajay and Ashok Kumar forcibly made him sit on the motorbike and then by abducting him and extending threats took him to the house of Ajay, wherein he was asked to give a sum of Rs. 2,60,000/- or

otherwise, he was to be killed. He was confined in a room. The brother of the complainant was informed on phone to give money. He had intimated the police, who got the complainant released from the custody of the accused persons. On the basis of the statement of the complainant, the aforementioned FIR was registered. Investigation proceedings were initiated. Accused Ajay was arrested on 16.08.2024. He suffered disclosure statement to the effect that he along with the present petitioner had abducted the victim/complainant. The petitioner was accordingly nominated as accused and was arrested on 11.01.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the disclosure statement suffered by the co-accused which cannot be considered to be admissible in evidence. He was not named in the FIR nor any specific overt act has been attributed to him. No test identification parade of the petitioner has been got conducted from the victim. He is in custody for a period of more than nine months. The trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. It is, therefore, urged that the petitioner deserves to be released on bail.

4. Status report has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions, besides going through the material placed on record.

6. The petitioner was neither named in the FIR nor it is the allegation that he had demanded any money from the complainant nor it has

been alleged that it was him, who had wrongfully confined the complainant. The petitioner has clean antecedents. Out of total 23 prosecution witnesses, none has been examined so far. Hence, conclusion of trial would obviously take time. Keeping in view the nature of the allegations levelled against the petitioner, the period of his incarceration in jail and the attendant facts and circumstances of the case, this Court is of the considered opinion that further incarceration of the petitioner is not going to serve any fruitful purpose and as such, a case for grant of bail is made out in favour of the petitioner. Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate/CJM concerned.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

16.09.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>