

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

CRM-M-23362-2015

Date of Decision: 14.08.2015

Mohit

... Petitioner

Vs.

U.T. of Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. V.K. Sharma, Advocate
for the petitioner.

Mr. Gautam Dutt, Addl. PP, U.T. Chandigarh.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.279 dated 25.06.2014 under Section 363 of Indian Penal Code ('IPC' for short) (Section 366 IPC added later on), registered at Police Station Sector-11, Chandigarh.

Learned counsel for the petitioner submits that earlier the petitioner was released on bail pending trial. Thereafter, offence under Section 366 IPC was added. Petitioner was again arrested and he is inside the jail since 30.05.2015. He further submits that there is no allegation against the petitioner of any misuse of concession of bail earlier granted to him. Since only two PWs have been examined so far, conclusion of trial will take some time. He prays for allowing the present petition.

On the other hand, learned counsel for the State (U.T., Chandigarh), on instructions from SI Charanpal Singh, Police Station Sector-11, Chandigarh, submits that since earlier offence under Section 363 IPC was bailable, petitioner was rightly arrested after addition of offence

under Section 366 IPC. He further submits that since two PWs have already been examined, conclusion of trial will not take long time. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, petitioner has been found entitled for bail pending trial. It is so said because there is no allegation against the petitioner of any misuse of concession of bail earlier granted to him. So far as the offence under Section 366 IPC is concerned, petitioner will face the trial. Further, since only two PWs have been examined so far, conclusion of trial will also take some time.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

14.08.2015
vishnu