

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

CRM-M No. 14230 of 2016
Date of decision : July 26, 2016

Bittu

..... Petitioner

v.

State of U.T Chandigarh

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Balkar Singh, Advocate
for the petitioner.

Mr. AS Sullar, AAP for the respondent.

Ajay Tewari, J (Oral)

The petitioner seeks grant of regular bail in case FIR No.101, dated 22.3.2016, registered under Sections 307, 353, 333, 34 of the IPC, at Police Station Sector 31, Chandigarh.

Allegations were that the petitioner was riding pillion with one Kapil Dev and when the police personnel stopped them at the road in Sector 47, the petitioner exhorted the driver to run over the police personnel and as a consequence of which the driver tried to run over the

Sub Inspector.

Counsel for the petitioner has argued that the co-accused-driver is in custody and the petitioner has now been in custody since 22.3.2016, and that there is no evidence that he exhorted the co-accused.

Counsel for the respondent has argued that the concerned SI is still in coma and this Court has declined bail to the co-accused/driver.

In my opinion, cases of the co-accused and that of the petitioner are not identically situated. Allegation against the petitioner is of exhortation but the act was committed by the co-accused. In these circumstances, without commenting upon the merits of the case, and keeping in view the period of custody already suffered by the petitioner, I do not deem it appropriate to deny the concession of regular bail to the petitioner.

Bail to the satisfaction of the trial Court.

Petition stands disposed of.

July 26, 2016
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No