

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

CRM-M No.44265 of 2016

Date of decision: December 20, 2016

Vishal @ Goddu

..Petitioner

Versus

UT of Chandigarh

..Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. V.B. Aggarwal, Advocate
for the petitioner.

Mr. G.S. Chahal, APP, UT, Chandigarh
for the respondent.

JASPAL SINGH, J.(ORAL)

Through the instant petition preferred under Section 439 of Code of Criminal Procedure, petitioner has sought bail, during the pendency of the trial, in case bearing FIR No.74 dated 25.03.2016, under Section 307/34 IPC, registered at Police Station Sector 26, Chandigarh.

As per the version contained in FIR registered on 25th March, 2016, an injury which falls within the ambit of Section 307 IPC was inflicted by one Dida and not by petitioner-Vishal @ Goddu @ Desu on the basis of the statement of injured-Shiva @ Chhotu but subsequently, while making supplementary statement on 26th March, 2016, it was unfolded by the injured-complainant which injury falling within the ambit of Section 307 IPC was caused to him by the petitioner. Both the versions are entirely different. Moreover, during the course of arguments, it has emerged that Dida has already been got discharged by the Investigating Agency. However, petitioner was arrested in this case on 26th March, 2016 and after subjecting him to custodial interrogation, he was remanded to judicial custody, meaning thereby, his person was no more required for further custodial interrogation.

On conclusion of the investigation, challan under Section 173(2) Cr.P.C. has already been presented and trial Court is seized of the matter. Most of the prosecution witnesses have already been examined and as per the version of learned State counsel, only one prosecution witness remains to be examined. Still, the disposal of the trial would take some time and in the given circumstances, this Court is of the considered view that detention of the petitioner for subsequent period would not be desirable.

Taking into consideration the aforesaid aspects of the case but without expressing any opinion on merits, petition is allowed and petitioner is ordered to be released on bail on his furnishing requisite bonds at the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate

December 20, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No