

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-1370 of 2017

Date of Decision: 23.01.2017

Raju

....Petitioner

VERSUS

State of U.T. Chandigarh

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Samir Rathaur, Advocate
for the petitioner (s).

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 132 dated 04.08.2016, registered for offences punishable under Sections 302, 147, 148 read with Section 149 of Indian Penal Code (for short 'IPC'), at Police Station Sector 11, Chandigarh. Section 120-B IPC was added later on.

Heard.

Notice of motion.

On asking of the court, Mr. G.S. Chahal, APP, U.T. Chandigarh, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

Learned counsel for the petitioner submits that the petitioner was not present at the time of occurrence. He is not named in the FIR or statement of eye-witness recorded by the police under Section 161 Cr.P.C.

It was on the application of father of the deceased submitted to police after

two days of occurrence that the petitioner was arrested under Section 120-B IPC on 05.08.2016.

Learned APP, U.T. Chandigarh submits that presence of the petitioner at the spot was neither alleged nor found in investigation and also during scanning of CCTV footage of the occurrence. Allegations against the petitioner are of conspiracy to commit murder of Vikash @ Kanhiya. It is further submitted that investigation has been completed and challan has also been presented in this case.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Raju is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

January 23, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No