

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

**CRM-M No.30961 of 2018
Decided on: 30.07.2018**

Akash Chotala

....Petitioner

Versus

U.T., Chandigarh

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. N.S. Dhillon, Advocate
for the petitioner.

Ms. Ashima Mor, APP, U.T., Chandigarh.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.497 dated 26.11.2017, for offence punishable under Sections 323, 341, 427 read with Section 34 of the Indian Penal Code (in short 'IPC') (Section 307 IPC added later), registered at Police Station Sector 39, Chandigarh.

On 16.07.2018, while deciding the regular bail application of the co-accused – Arun Thakur, the following order has been passed by this Court:-

“Learned counsel for the petitioner submits that initially the FIR was registered under Sections 323, 341, 427, 34 IPC and the petitioner was arrested and thereafter, he was granted regular bail by the trial Court. It is further submitted that later on, on seeking opinion from the doctor, Section 307 IPC was added and the petitioner was re-arrested on 29.03.2018 and since then, he is in judicial custody. Counsel for the petitioner further submits that the

petitioner was not named in the FIR and on the basis of disclosure statement of his coaccused, he was implicated in the present FIR.

Learned counsel for the petitioner has further submitted that challan has already been presented and it will take some time in conclusion of the trial.

Learned counsel appearing for U.T. Chandigarh, on instructions from SI Kulwant Singh, has not disputed the factual position, however, she opposed the prayer for bail on the ground that the petitioner is the main accused, who has caused injuries to the complainant. It is further submitted that challan has already been presented.

Without commenting anything on merits of the case, considering the fact that the petitioner is in judicial custody since 29.03.2018; he was implicated in the present FIR on the basis of disclosure statement; challan has been presented and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

Petition is disposed of.”

Counsel for the petitioner has submitted that the petitioner had surrendered before the trial Court on 05.06.2017, after Section 307 IPC was added and since then, he is in custody. It is further submitted that the petitioner was involved in the FIR on the basis of the disclosure statement made by co-accused.

Counsel for the State – U.T., Chandigarh on instructions from SI Kulwant Singh has not disputed the factual position, however, she opposed the prayer for bail. It is further submitted that the challan has already been presented.

Without commenting anything on merits of the case and considering the fact that the petitioner is in custody 05.06.2017, after addition of Section 307 IPC; challan has already been presented and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

30.07.2018
yakub

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No