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

CRM-M-20597 of 2019

Date of decision: August 20, 2019

Ram Parkash

.....Petitioner

Versus

U.T., Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. A.S. Dhaliwal, Advocate for the petitioner.

Mr. D.S. Brar, A.P.P. U.T., Chandigarh.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.26 dated 19.01.2019, under Sections 341, 397, 34 of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Sector 34, U.T., Chandigarh.

Custody certificate dated 19.08.2019 filed by learned State counsel, today in Court, is taken on record.

As per prosecution case, complainant-Ravi Kumar made a statement that he is working in On Dot Courier Company. On 19.01.2019, when he was returning back to home after his duty hours on bicycle and reached near Labour Chowk, Sector 34, Chandigarh, two boys stopped him. One of them gave a *danda* blow on his head, whereas, the other attacked him on his neck with sharp edged weapon. One snatched complainant's mobile phone and the other took out cash amounting to ₹200/- from his pocket.

Contends that petitioner is in custody since 19.01.2019 and

injury attributed to him has been declared as simple in nature. Also contends that there is no other criminal case pending against him. Further contends that investigation is already over and after framing of charges, now the prosecution evidence is going on. It is also contended that out of total 14 prosecution witnesses, only 4 have been examined.

The above factual position is duly acknowledged by learned counsel for the respondent-U.T., Chandigarh, on instructions from Assistant Sub Inspector Balwan Chand.

Heard both sides and perused the paper-book.

Since the petitioner is in custody since 19.01.2019, out of total 14 prosecution witnesses, only 4 have been examined and there is no other criminal case pending against him; thus, his further incarceration would not serve any purpose.

In view of the above, this petition is allowed. Petitioner is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

The petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

(MAHABIR SINGH SINDHU)
JUDGE

August 20, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No