

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

229)

Crl. Misc. No.M-38937 of 2019(O&M)

Date of Decision: 18.09.2019

Shyam Sunder

...Petitioner

Versus

State of U.T. Chandigarh.

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Ms. Kanu Sharma, Advocate, for the petitioner.

Mr. Sumit Jain, Addl. P.P., U.T., Chandigarh.

Amol Rattan Singh, J. (Oral)

By this petition, filed under the provisions of Section 439 of the Cr.P.C., the petitioner seeks the concession of 'regular bail'.

Learned counsel for the petitioner submits that as a matter of fact, the petitioner being in bad company had been approached by the police party as is stated to have recovered the contraband from him, with them allegedly seeking a bribe from him which he could not give, leading to him being taken to a secluded place, where he is alleged to have been beaten up and then taken into custody.

However, Mr. Jain, learned Addl. P.P., has produced in Court today a medical certificate seen to be issued by the Government Multi Specialty Hospital, Sector-16, Chandigarh, from which he points to the fact that no external injuries whatsoever were found on the person of the petitioner, when he was taken for such medical examination on the next day of the arrest, i.e. on 16.04.2019.

He further pointed to the photographs taken of the petitioner at

the time of his arrest, where at least on the facial region, as is visible in the photographs, there is no external injury seen whatsoever.

Learned counsel for the petitioner next points to the fact that the petitioner is 18 years old and he not having been involved in any other criminal case, with not even a single prosecution witness examined so far and the trial likely to take a long time to conclude, and his involvement in the crime not obviously established as yet, he deserves to concession of bail.

Mr. Jain on the other hand, submits that his age is stated to be 23 years in the FIR, and he does not deserve concession of bail.

As per the custody certificate filed in Court today, no other criminal case is shown to be registered against the petitioner. Therefore, even though the contraband alleged to have been recovered from the petitioner is stated to be of commercial quantity, without making any comment on the merits of case or otherwise, looking at the age of the petitioner, I deem it appropriate to admit him to bail during the pendency of the trial.

Consequently, this petition is allowed. The petitioner would be enlarged on bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

18.09.2019
vcgarg

(Amol Rattan Singh)
Judge

Whether reasoned/speaking: Yes
Whether reportable: No