

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-39551-2019(O&M)

Date of decision :24.09.2019

ANIT @ ANNA

.....Petitioner

versus

UNION TERRITORY CHANDIGARH

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vivek Kathuria, Advocate,
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab

ANIL KSHETARPAL, J. (ORAL)

Petitioner prays for grant of regular bail in FIR No.174, dated 07.07.2018, registered under Sections 341/365/323/342/34/302/326 IPC and Sections 25/54/59 of the Arms Act, 1959, at Police Station Sarangpur, Chandigarh.

As per the case of the prosecution which was registered on the information give by Vijay, the first informant who is also injured, to the effect that some boys kidnapped the petitioner and deceased Rishu and they were taken to a room where Rishu was killed.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR and he is attributed to have caused injuries on non-vital part of body of the deceased. He further submits that as per the post mortem report, cause of death is diabetes. The petitioner is in custody since 12.07.2018. Counsel for the petitioner also draws attention of the court to the orders dated 26.08.2019 and 09.09.2019 passed by this Court with respect to co-accused of the petitioner.

Learned counsel for Union Territory of Chandigarh submits that although, petitioner is named in the FIR and is attributed to have caused injuries with a wooden batten on the legs and waist of the deceased, however, as per post mortem report, cause of death is diabetes. Petitioner is in custody since 12.07.2018. He further submits that the petitioner is not involved in any other case. Investigations are complete. Final report has been presented and the charges have been framed. As per the information supplied, only one official witness has been examined out of total 31.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody since 12.07.2018 and the trial of the case is likely to take long time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the trial Court/Duty Magistrate.

Accordingly the petition is allowed with the aforesaid directions.

September 24, 2019
nt

(ANIL KSHETARPAL)
JUDGE

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