

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

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**CRM-M-18011-2020 (O&M)
Date of Decision: 27.07.2020**

Robin @ Bhura

....Petitioner

Versus

Union Territory, Chandigarh

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

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

Mr. Ashu Mohan Punchhi, PP, UT, Chandigarh.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

Present petition under Section 439 Cr.P.C is for grant of regular bail to petitioner-**Robin @ Bhura** in case F.I.R. No.63 dated 04.05.2019 under Sections 394, 397 and 411 IPC read with Section 34 IPC registered at Police Station Sector 19, Chandigarh.

Learned counsel for the petitioner *inter alia* contends that petitioner has no nexus whatsoever with the alleged offence. He further urges that previously petitioner was charge sheeted to face trial for the commission of offence punishable under Sections 394 and 411 IPC, wherein statement of PW-1 Harpal Singh (complainant) was recorded on

16.10.2019 and the said witness (Harpal Singh) had categorically deposed that due to darkness he could not identify the assailants and as such false implication of petitioner in the instant case FIR is well evident on the record. He further urges that lateron Investigating Agency presented supplementary report adding offence under Section 397 IPC and as such case has been committed to Court of Sessions for trial, vide commitment order dated 16.01.2020. He further urges that once Harpal Singh (complainant) has not supported the cause of prosecution as he has failed to identify the assailants in the Court, vide his testimony recorded on 16.10.2019, in this scenario nomenclature of alleged offence and that too in aggravated form under Section 397 IPC makes no difference. He further urges that petitioner is in custody since 14.06.2019 and he is no more required by the Police for any investigation purpose. He further urges that challan has already been presented in the Court and since consequent trial would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further, thus, he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into

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consideration the fact that petitioner is in custody since 14.06.2019; that petitioner is no more required by the Investigating Agency for investigation purpose; that challan has already been presented in Court and since consequent trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by the petitioner- **Robin @ Bhura** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, Chandigarh, as the case may be.

(LALIT BATRA)
JUDGE

27.07.2020

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