

CRM-M-35893-2020

Date of Decision: 04.12.2020

Dalip

.....Petitioner

Vs.

State of Union Territory, Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Ms. Namita Kandhari, Advocate, for the petitioner.

Mr. Rajiv Sharma, A.P.P., for U.T., Chandigarh.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

This petition has been filed under the provisions of Section 439 of the Cr.P.C. seeking 'regular bail' for the petitioner in case FIR no. 124 dated 07.06.2020, registered at Police Station Sector 31, Chandigarh for the alleged commission of offences punishable under Sections 323/324/341/147/148/149 of the IPC (with Section 326 of the IPC added later on).

Learned counsel for the petitioner submits that even as per the FIR, there is no specific injury attributed to the petitioner but only to his co-accused, though the petitioner is accused of having blocked the way of the complainant.

She further submits that he has been in custody now for more than five months, with the trial not even having commenced as yet.

Learned State counsel though does not deny the period of custody, however submits that the petitioner along with others inflicted grievous injuries on the complainant and his companion and therefore does not deserve the

concession of bail.

Having considered the matter, looking at the period of custody of the petitioner and the fact that the more serious allegation in the FIR is against his co-accused, without making any comment on the actual merits of the case, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate concerned.

December 04, 2020
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.