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

**105+209** **CRM-12441-2021 in/and CRM-M-13652-2021.**
**Date of Decision: 30.06.2021.**

Vikas @ Kala ....Applicant/Petitioner.

Versus

Union Territory, Chandigarh ....Respondent.

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**CORAM: HON'BLE MR. JUSTICE LALIT BATRA**

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**Present:** Mr. Vivek Kathuria, Advocate for applicant/petitioner.

Mr. Ashu Mohan Punchhi, Public Prosecutor for respondent-U.T. Chandigarh.

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**Lalit Batra, J.(Oral)**

CRM-12441-2021

This application under Section 482 Cr.P.C. is for preponing the date of hearing of the main petition, which is already fixed for 30.06.2021.

Learned counsel for applicant/petitioner submits that instant application has been rendered infructuous and may be disposed of as such.

In view of above, application is disposed of having been rendered infructuous.

**Main Case**

Present petition under Section 439 Cr.P.C has been moved by petitioner-**Vikas @ Kala** for grant of regular bail in case FIR No.63 dated 04.05.2019 under Section 394 IPC (charges framed under Sections 394, 397

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and 411 IPC read with Section 34 IPC), registered at Police Station Sector 19, Chandigarh.

Learned counsel for the petitioner *inter alia* contends that allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. 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 later on 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 co-accused namely Robin @ Bura has already been granted bail by this Court, vide order dated 27.07.2020 passed in CRM-M-18011-2020, whereas co-accused Suraj and Nitin have already been admitted to regular bail by Sessions Court, vide orders dated 04.08.2020 and 01.06.2021 respectively. 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 after completion of

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investigation, final report under Section 173 Cr.P.C. (*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 and carefully gone through the records.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into 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 co-accused namely Robin @ Bura has already been granted bail by this Court, vide order dated 27.07.2020 passed in CRM-M-18011-2020, whereas co-accused namely Suraj and Nitin have already been admitted to regular bail by Sessions Court, vide orders dated 04.08.2020 and 01.06.2021 respectively; that final report under Section 173 Cr.P.C. (*Challan)* has already been presented in Court and since 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 petitioner- **Vikas @ Kala** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction

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of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Chandigarh as the case may be.

**(LALIT BATRA)**
**JUDGE**

**30.06.2021**
*d.gulati*

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No

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