

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(222)

CRM-M-18266-2021

Date of decision:- 16.09.2021

Rajeev @ Roki

... Petitioner

Versus

State of U.T.

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Kuldeep Singh, Advocate
for the petitioner.

Mr. A.M. Punchhi, P.P., UT, Chandigarh with
Mr. Anupam Bansal, A.P.P., U.T. Chandigarh for the respondent.

...

SUVIR SEHGAL, J. (ORAL)

The Court has been convened through video conferencing due to
Covid-19 Pandemic.

Instant petition has been filed under Section 439 of the Code of
Criminal Procedure, 1973 seeking grant of regular bail in case FIR No.189
dated 20.09.2020 under Sections 307, 34 of the Indian Penal Code, 1860,
registered at Police Station Sector-34, Chandigarh (Annexure P-1).

FIR (Annexure P-1) has been registered on the statement of
Pankaj Vaid wherein he stated that on 20.09.2020, at about 5.40 A.M., in
the morning, he saw a person lying in an unconscious state in a pool of
blood on the slip road towards Sector-44. He had sustained a head injury.

He called the police helpline at 100 who took the injured in the PCR vehicle.

Counsel for the petitioner contends that the victim, Monu, was admitted to the hospital in an unconscious state and remained unfit to make any statement till 01.10.2020 and on 04.10.2020, he fled from the hospital. According to the counsel, the statement of the victim was recorded on 22.10.2020 wherein he named the petitioner as an accused. However, in the meantime, on the basis of the statement of the father of the victim, the petitioner was arrested on 24.09.2020. By placing reliance upon the deposition of victim, Monu (PW1) which is taken on record as Mark 'A', counsel for the petitioner contends that the victim stated that he did not see the assailants and though he recognizes the petitioner, yet the petitioner was not amongst the assailants. Counsel submits that except for the statement of Monu's father, who was not present at the spot, there is no incriminating material in the possession of the prosecution. He submits that the challan has been presented, charge has been framed, prosecution evidence is under way and the petitioner who is in custody, deserves to be enlarged on bail.

Learned Public Prosecutor, upon instructions from SI Vijay Kumar, has opposed the bail on the ground that during investigation, it transpired that the victim along with the petitioner had indulged in an incident of snatching regarding which FIR No.183 dated 21.09.2020 has been registered under Sections 379-A and 34 IPC at Police Station Sector 34, Chandigarh. On the arrest of the petitioner in the said FIR, he disclosed that he and the victim were involved in the snatching incident. As per his

instructions, after the snatching incident, both the victim and the petitioner consumed liquor and had a fight between themselves, in which the victim sustained injuries and fell unconscious. Upon further instructions, he submits that challan has been presented on 17.12.2020, charge has been framed on 10.03.2021 and the victim stands examined.

Having considered the facts and circumstances of the case, this Court is of the view that the material collected by the prosecution would remain debatable. Since the trial is likely to take time to conclude as only one out of 24 prosecution witnesses has been examined, the petitioner who is in custody for almost one year, is entitled to be released on bail during the pendency of the trial.

Without examining the merits or de-merits of the arguments addressed by the counsel for the parties, the petition is allowed. The petitioner, namely, Rajeev @ Roki, is ordered to be released on bail on his furnishing adequate bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

16.09.2021

Kamal

(SUVIR SEHGAL)

JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No