

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

CRM-M-28755-2021 (O&M)

Date of decision: 23.09.2021

Suhail @ Chhotu @ Billa

...Petitioner

Versus

UT Chandigarh and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Ullas Kapoor, Advocate for the petitioner.

Mr. Ashu Mohan Punchhi, PP, UT Chandigarh with
Mr. Anupam Bansal, Addl. PP UT Chandigarh.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This second petition for regular bail has been filed by petitioner Suhail @ Chhotu @ Billa, aged about 20 years, an accused in FIR No.40 dated 15.03.2020, for offences under Sections 356, 379-B, 411, 392 and 34 IPC, registered with Police Station Sector-34, Chandigarh.

Briefly stated facts of the case as per prosecution story are that on 15.03.2020, at about 11 PM, complainant Guddu Shah, aged about 21 years son of Pati Ram Shah, resident of Burail, Chandigarh, along with his friend Kamlesh was taking a walk and when they had reached near a grocery shop in the street next to their building at about 11.30 PM, four boys rushed towards them from the opposite side,

surrounded them, pressed their necks with their arm and started beating them up, asking them to take out whatever valuables they were having, otherwise, they would be strangled by such assailants; two of the assailants pressed necks of complainant and Kamlesh, whereas two accomplices were beating them up and took out valuables in the form of mobile phones, important documents and currency notes. Thereafter, they left with the booty. Formal FIR was recorded; Ajay @ Babuganga, Sohail @ Chottu @ Billa, Nitin @ Tira and Rajaram @ Raja were arrested in this case. Complainant identified all four of them to be the assailants robbers. Four of them got the recoveries effected from their possession. On completion of investigation and other formalities, the challan against them has since been filed.

Petitioner/accused Suhail @ Chottu alias Billa had filed a petition for grant of regular bail before Court of Sessions at Chandigarh, which was dismissed by Addl. Sessions Judge, Chandigarh, vide order dated 17.07.2020. As such, he has approached this Court, craving for grant of similar relief, which request is being opposed by learned counsel for UT Chandigarh.

I have heard learned counsel for the parties besides going through the record.

Though, the allegations against the petitioner are quite grave and serious and for that reason, his first petition for regular bail was dismissed, vide order dated 29.10.2020 in a hope that the trial against him would get concluded expeditiously but as informed by learned counsel for UT Chandigarh, after framing of charge against the accused on

29.07.2021, not even a single PW has been examined in the trial Court, though the prosecution has cited as many as 17 PWs, the next date of hearing is said to be 29.09.2021. In that way, the conclusion of trial is likely to take considerable time, more so, when working in the Courts has been adversely affected on account of outbreak of COVID-19. As per custody certificate placed on record by learned counsel for UT Chandigarh, the petitioner has already undergone total imprisonment of 01 year, 05 months and 13 days in this case, though, he is shown to be involved in another case bearing FIR No.61 dated 09.04.2020, under Sections 380, 457, 411 and 34 IPC, registered with Police Station Sector-34, Chandigarh but then as reflected in the custody certificate, he has been released on personal bonds in the said case. Therefore, further detention of petitioner shall not serve any useful purpose. His guilt shall be determined during the trial. As such, the petition is accepted. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/CJM/Duty Magistrate, Chandigarh, subject to the following conditions:-

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses;
- (iii) he shall not indulge in any criminal activity;
- (iv) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard;
- (v) he shall get his presence marked in the local police station on every Saturday of the week between 11.00 A.M. to 2.00 P.M. so that an eye can be kept on his movements and he is deterred from indulging in any criminal activity.

The Court accepting the bonds is to ensure that the surety

furnished by the petitioner is local one, having documentary proof of the sufficient immovable property of the value more than the surety amount within jurisdiction of the said Court. An endorsement be made on the title deed of the property that the said person stood as a surety for the petitioner. A copy of that document be retained on the record of the Court. Photographs of the surety, accused and attesting witnesses be also obtained and placed on record.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

23.09.2021

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No