

CRM-M-32115-2021 (O&M)

Date of decision: 16.09.2021

Rohit Sharma

.... Petitioner

Versus

UT Chandigarh

.... Respondent

Coram: Hon'ble Mr. Justice B.S. Walia

Present : Mr. Karan Singh, Advocate for the petitioner

Mr. Amit Kumar Goyal, APP, UT, Chandigarh.

B.S. Walia, J. (Oral)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.112 dated 15.06.2021, registered under Sections 364-A,34 and 120-B of IPC, at Police Station Manimajra, Chandigarh.

3. Learned counsel contends that during the pendency of the petition for regular bail, CRM-29502-2021 has been filed for grant of interim bail for permission to the petitioner to attend the last rituals of his father who expired on 08.09.2021.

4. Learned counsel for the petitioner states that he does not press the application for interim bail and prays for consideration of the petition under Section 439 Cr.P.C.

5. Learned counsel contends that the petitioner has been implicated in a false case solely on the basis of disclosure statement of his

as also on account of the car used in the commission of the offence belonging to him which he had lent to his brother on request for general use and not for use in the commission of an offence. Learned counsel contends that apart from the aforementioned disclosure statement and the car belonging to the petitioner having been used in the commission of the offence, there is other material to connect the petitioner with the commission of the offence. The petitioner has been in custody since 22.06.2021, is not involved in any other criminal case other than the instant case, is a young man of 21 years of age and is earning his livelihood by doing business, challan has been presented on 15.09.2021, there are 31 prosecution witnesses and trial will take considerable period of time, therefore, no useful purpose would be served by keeping the petitioner behind bars, the petitioner is ready and willing to comply with any and every condition as may be imposed, for grant of bail.

6. Per contra, Mr. Amit Kumar Goyal, APP,UT, Chandigarh contends that although there is no material other than the disclosure statement as also of the car used in the commission of the offence belonging to the petitioner, apprehension of the police is that in case, the petitioner is released on bail, he is likely to abscond and threaten the witnesses.

7. Faced with the aforementioned position, learned counsel for the petitioner states that the petitioner's paternal grandmother has a residential house in Baltana, Zirakpur of approximate value of Rs.40 lakhs and she is ready and willing to stand surety for the petitioner besides the

stipulated while granting bail.

8. Learned counsel further contends that as regard the apprehension of extending threats to the witnesses, the petitioner undertakes to fully comply with the conditions contained in Section 437(3) Cr.P.C and in case of violation of any said conditions, it would always be open to the prosecution to move an application for cancellation of bail.

9. I have considered the submissions of learned counsel for the parties.

10. Admittedly, the petitioner is a young man of 21 years and is in custody since 22.6.2021, the only material against the petitioner is of disclosure statement of co-accused / brother as also of the car belonging to the petitioner having been used in the commission of the offence, of the petitioner claiming that he had merely lent the car to his brother on his asking for general use and not for use for commission of offence, challan has been presented on 15.09.2021, there are 31 prosecution witnesses, trial will take considerable period of time, besides, Mr. Amit Kumar Goyal, APP,UT, Chandigarh has not shown any material by way of call record details to show that the petitioner was in touch with any of the co-accused at the time of commission of the offence.

11. Accordingly, while taking into account all aspects of the matter but without commenting on the merits of the case, the petition for regular bail is allowed and the petitioner is ordered to be released on regular bail during the pendency of the trial, subject to his furnishing bail /

Magistrate, concerned, provided he is not required in any other case. The petitioner shall also abide by the conditions contained in Section 437(3) Cr.P.C. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

12. Needless to mention in case of violation of any of the conditions under Section 437(3) Cr.P.C, prosecution would be at liberty to move an application for cancellation of the bail granted to the petitioner in the instant case.

13. Petition allowed in the aforementioned terms.

(B.S. Walia)
Judge

16.09.2021
Jyoti-IV

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