

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(220)

CRM-M-35033-2021

Date of decision:- 01.09.2021

Ajay @ Sanju

... Petitioner

Versus

State of U.T. Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sudesh K. Khurcha, Advocate
for the petitioner.

Mr. Akashdeep Singh, Addl. P.P. U.T, Chandigarh.

...

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.105 dated 02.08.2021 under Sections 147, 148, 149, 452, 323 and 506 of the Indian Penal Code, 1860, registered at Police Station Sector 31, Chandigarh.

As per the case of the prosecution, FIR, Annexure P-1, has been registered on the complaint of Puran on the allegation that Ajay and Sushil @ Meri came to his house and there was some altercation between the

parties. Accused and their associates assaulted the complainant and his family members with iron rods. Sushil @ Meri was also carrying a knife.

Counsel for the petitioner submits that the petitioner is a 19 years old student, who has been named as an accused as he is related to the main accused-Ajay and Sushil @ Meri. He submits that the name of the petitioner is not mentioned in the FIR, but was introduced later in the supplementary statement recorded by the complainant. Counsel submits that the petitioner, who has clean antecedents, and is in custody since 03.08.2021, deserves to be enlarged on bail.

Per contra, Mr. Akashdeep Singh, Addl. P.P. U.T., Chandigarh, upon instructions from HC Dalbir Singh has opposed the petition and submitted that the investigation is underway and the challan is yet to be presented, though in all fairness, he has not disputed the factual position as has been argued by the counsel for the petitioner.

Having considered the facts and circumstances of the case, this Court is of the view that since the name of the petitioner has cropped up in the supplementary statement, the veracity of which is yet to be tested, this Court is prima facie of the opinion that the petitioner deserves to be enlarged on bail.

Without commenting upon the merits or de-merits of the arguments raised by the counsel for the parties, the petition is allowed. The petitioner, namely, Ajay @ Sanju, 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.

(SUVIR SEHGAL)
JUDGE

01.09.2021
Kamal

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