

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

(123+217)

CRM-M-36413-2021 (O&M)
Date of Decision:-18.11.2021.

Sourav

.....Petitioner

Versus

State of U.T., Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Mandeep Singh, Advocate for the petitioner.

Mr. Charanjit Bakshi, A.P.P., U.T., Chandigarh.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

CRM-38528-2021

This is an application under Section 482 of Cr.P.C. for pre-ponement of hearing of the main case.

As the main case is fixed for today itself, hence the present application is disposed of as having been rendered infructuous.

CRM-37490-2021

Application is allowed as prayed for, subject to all just exceptions.

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This is a petition is under Section 439 Cr.P.C. for concession of regular bail in FIR No.149 dated 19.07.2020 (Annexure P-1) under Sections 323, 341, 506 and 34 of IPC, wherein Section 326 of IPC has been

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added later on, registered at Police Station Sector 31, U.T., Chandigarh.

Learned counsel the petitioner has submitted that although in the present FIR the petitioner has been attributed an injury with a sharp-edged weapon on the chest, attracting Section 326 of IPC, but when the said complainant/injured was examined as PW-1, he had specifically stated that he did not identify the accused Saurav (present petitioner) in the Court and had completely exonerated the said petitioner and even in his examination-in-chief no injury was attributed to the petitioner. It is further submitted that the petitioner has been in custody since 23.06.2021 and there are 13 witnesses in all, out of which only 02 have been examined and, thus, the trial is likely to take time, moreso, in view of the present pandemic situation. It is also submitted that the petitioner is not involved in any other case.

Learned counsel for the U.T. has opposed the present application for grant of regular bail and has also produced on record the custody certificate, as per which, the petitioner has been in custody since 23.06.2021 i.e., 04 months and 27 days and is not involved in any other case.

Keeping in view the above-said facts and circumstances, moreso, the fact that as per the evidence of PW-1 Vijay, who is the injured/complainant, no injury is attributed to the petitioner as per his examination-in-chief and rather, he has submitted that he did not identify the accused petitioner in the Lower Court and has given a clean chit to the petitioner and also the fact that the petitioner has been in custody since 23.06.2021 and 11 witnesses out of 13, are yet to be examined and, thus, the trial is likely to take time moreso, in view of the present pandemic

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situation and also in view of the fact that the petitioner is not involved in any other case, the present petition for grant of regular bail to the petitioner deserves to be allowed.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to him not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

November 18, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No