

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.42809 of 2021 (O&M)

Date of Decision:14.10.2021

(Heard through VC)

Brijesh

...Petitioner

Versus

State of U.T., Chandigarh

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Abhishek Sanghi, Advocate
for the petitioner.

Mr. Charanjit Bakshi, APP, U.T., Chandigarh.

JAISHREE THAKUR, J. (ORAL)

This is the petition that has been filed for grant of regular bail to the petitioner in FIR No.199 dated 09.11.2020 registered under Sections 324, 354, 354-A, 451, 456, 506 IPC and Section 8 of the POCSO Act at Police Station Mauli Jagran, U.T., Chandigarh.

Learned counsel for the petitioner would submit that the petitioner herein has been falsely implicated in the said matter. It is argued that the petitioner is in custody since 09.11.2020 and all the material witnesses have already been examined, therefore, there is no likelihood that the petitioner can influence them in any manner whatsoever. The petitioner would also require some time for preparation of his defence. The trial is likely to take some time to conclude. It is also submitted that if the petitioner is released on bail, he would not delay the trial and in case he does so, his regular bail be cancelled.

Learned counsel appearing for the respondent-U.T., Chandigarh opposes grant of bail to the petitioner by contending that the allegations levelled against the petitioner are serious in nature and out of 9 witnesses cited, only 4 have been left to be examined and the next date before the trial Court is 27.10.2021, on which date, the remaining witnesses would be examined.

I have heard learned counsel for the parties and in view of the fact that the petitioner is in custody since 09.11.2020 and the material witnesses have already been examined and the fact that an opportunity ought to be given to the petitioner to prepare for his defence, this Court deems it appropriate to allow regular bail to the petitioner. The instant petition is allowed and the petitioner is directed to be released on regular bail on his execution of personal/surety bonds to the satisfaction of concerned trial court/Duty Magistrate. Needless to say that in case the petitioner herein tends to delay the trial in any manner whatsoever, the respondent-State would be at liberty to move an appropriate application for cancellation of bail granted to the petitioner. However, any observation made herein shall not be construed to be an expression on merits of the case.

October 14, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No