

CRM-3197-2022 in/and
CRM-M-1676-2022
Date of decision: 04.02.2022

VISHWAS

...PETITIONER

VERSUS

STATE OF U.T., CHANDIGARH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. A.K. Viridi, Advocate
for the applicant/petitioner.

Mr. Shashank Bhandari, APP for UT, Chandigarh. .

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic)***VIVEK PURI, J. (ORAL)****CRM-3197-2022**

Learned counsel for the applicant seeks to place on record the copy of the statement of the complainant dated 13.01.2022 recorded during the course of trial as Annexure P-3.

CRM application is disposed of and Annexure P-3 is taken on record.

Registry to tag the same at the appropriate place.

Main case

Vishwas-petitioner is seeking regular bail in the case bearing FIR No. 75 dated 06.10.2021, under Sections 354/354-A IPC, 1860, registered at Police Station North, Chandigarh.

Briefly, FIR has been registered on the allegations that on 06.10.2021 in the morning hours, the complainant was proceeding towards Chandigarh Lawn Tennis Association on foot. A motorcyclist hit her hard with the hand or something on her back.

Learned counsel for the petitioner contends that the petitioner has not been named in the FIR. The statement of the complainant has been recorded during the course of trial and she has not imputed anything against the petitioner. The petitioner is in custody for the last about 03 months and 27 days.

On instructions from ASI Kavita, learned State counsel has not assailed the aforesaid factual aspects and has opposed the bail application on the score that the petitioner is also involved in another case under Section 354 IPC.

Be that as it may, during the course of trial, the complainant has categorically and specifically stated that the motorcyclist had fled away from the spot, she was unable to see his face and was not sure about the identity of the petitioner.

The petitioner is in custody for the last about 03 months and 27 days and the conclusion of the trial is likely to take sometime. As such, no fruitful purpose will be served by detaining the petitioner in further custody and sufficient mitigating circumstances are made out to extend the concession of the bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

04.02.2022
renubala

(VIVEK PURI)
JUDGE

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