

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

207

CRM-M-1729-2022
Date of Order: 19.01.2022

KAILASH

..Petitioner

Versus

STATE OF UT, CHANDIGARH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Kumar, Advocate
for the petitioner.

Mr. J.S. Toor, APP, UT, Chandigarh.

ANIL KSHETARPAL, J(Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

The petitioner prays for regular bail pending trial in a criminal case arising from FIR 140, dated 15.10.2021, registered under Section 147, 148, 149 and 307 IPC, at Police Station West Sector 11, Chandigarh.

As per the case of the prosecution, the first informant along with her husband was strolling outside her house when Aman, Anil and 4-5 other persons armed with *gandasi*, sword and sticks, attacked the first informant's husband and left him badly injured. The learned counsel representing the petitioner contends that the petitioner is not named in the FIR and the petitioner is in custody since 17.10.2021.

Sh. J.S. Toor, learned counsel representing the Union Territory, Chandigarh, has contended that the charges are yet to be framed, although, the final report of conclusion of the investigation has been filed on 12.01.2022.

As per the final report, the prosecution has already recovered a wooden stick on the disclosure statement of the petitioner. In order words, the petitioner is not alleged to be armed with *gandasi* and sword.

The petitioner has already suffered incarceration for a period of nearly 3 months.

The investigation is complete and the conclusion of the trial is likely to take a long time. Hence, the petitioner is directed to be released on a regular bail subject to furnishing of adequate surety to the satisfaction of the trial Court/Duty Magistrate.

Accordingly, the petition is allowed with the aforesaid directions.

All the pending miscellaneous applications, if any, are also disposed of.

January 19, 2022

Ay/Chetan

**(ANIL KSHETARPAL)
JUDGE**

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