

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

208

CRM-M-3131-2022

Date of decision: 02.02.2022

CHIRAG RANA

.....Petitioner

Versus

UT.CHANDIGARH

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Kushagra Mahajan, Advocate
for the petitioner.

Mr. D.S.Brar, Addl. Public Prosecutor, U.T. Chandigarh.

SANT PARKASH, J. (ORAL)

The case has been taken up for hearing through video conferencing.

Prayer in this petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner, in case, FIR No. 154 dated 24.09.2021 registered under Section 307 read with Section 34 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station South, Sector-34, Chandigarh to which Sections 332 and 353 of the IPC were added later on.

As per the prosecution version, the petitioner was a pillion rider of the motorcycle driven by co-accused who deliberately caused the accident with an intention to kill the police official on duty. The role attributed to the petitioner was that when the police official on duty signaled to stop the motorcycle then he shouted and abetted the rider of the motorcycle to run away and not to stop the motorcycle.

The petition has been opposed by learned State Counsel. However, no reply has been filed on behalf of the respondent/State.

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has argued that the petitioner was only a pillion rider of the motorcycle which allegedly hit the injured. Everything was at the spur of the movement and during that time the petitioner could not have abetted his co-accused to do the offence as alleged in the FIR. The petitioner is a final year student of B.A. and his examinations are to be held in month of February. Challan has already been presented. No recovery is to be effected from the petitioner. The petitioner is in custody since 28.09.2021. The trial in the present case is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19. No useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has submitted that the petitioner along with his co-accused is accused of having committed serious offences. In view of the nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Having considered the facts and circumstances of the case, the petitioner was a pillion rider on the motorcycle, challan in the matter has already been filed, custodial interrogation of the petitioner not required and the fact that the trial is likely to take long time due to

restrictions imposed to prevent spread of infection of Covid-19 but without expressing any opinion on the merits of case, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

02.02.2022
kavneet singh

(SANT PARKASH)
JUDGE

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