

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRM-M-6591-2022(O&M)

Date of Decision:21.02.2022

Rajat Tiwari

.....Petitioner

Versus

State of U.T. Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Chajju Khan, Advocate,
for the petitioner.

Mr. D.S. Brar, APP , U.T., Chandigarh.

VINOD S. BHARDWAJ , J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

CRM-5492-2022

Application is allowed, as prayed for.

CRM-M-6591-2022

Instant petition has been filed seeking concession of regular bail to the petitioner in case FIR No.92 dated 16.04.2019 under Sections 147, 148, 149, 323, 365, 506 IPC and Section 25 of the Arms Act registered at Police Station Sector 34, Chandigarh.

Learned counsel for the petitioner *inter alia* contends that the

attribution against the petitioner is that he along with other co-accused had forcibly taken the complainant with them in the swift car. The petitioner is further alleged to have pointed out a pistol on the forehead of the victim before causing injury to him. Learned counsel contends that the petitioner is in custody since 03.07.2019 and he has already undergone more than 02 years, 06 months and 20 days in the instant case. The trial is still at initial stage and out of 15 witnesses cited by the prosecution, only 03 witnesses have been examined so far. Learned counsel further contends that further incarceration of the petitioner is not likely to advance the interest of justice.

Mr. D.S. Brar, Public Prosecutor, appearing on behalf of U.T., Chandigarh appears and on instructions from SI Vijay Kumar opposes the prayer made by pointing out that as per custody certificate, there are as many as 04 cases registered against the petitioner and he has already been convicted in FIR No.184 dated 28.06.2019 under Sections 302, 34 IPC, Police Station Sector 39, Chandigarh for life imprisonment. It has further acknowledged by learned Public Prosecutor that even if the sentence of the petitioner is suspended in the instant case, he is not likely to be released from custody unless his sentence in the other cases is suspended.

Heard learned counsel for the parties.

Without commenting on the merits of the case, lest it may prejudice the outcome of the trial and considering the custody period undergone in the present case as also the stage thereof, I deem it appropriate to enlarge the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

The observations made here-in-above shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

February 21, 2022
seema

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No