

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-11957-2022 (O & M)

Date of decision: 04.04.2022

Vishwas

..... Petitioner

V/s

State of U.T., Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. A.K. Viridi, Advocate, for the petitioner.

Mr. Ankur Bali, APP for U.T., Chd.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition is for the grant of regular bail to the petitioner under Section 439 Cr.P.C. in a case bearing FIR No.132 dated 04.06.2021 under Sections 323, 354 IPC at Police Station East Sector 26, Chandigarh.

The prosecution case is that the complainant-Rachna Singh daughter of Jagdish Paddar was going towards Sukhna Lake on her bicycle when a motorcyclist came from behind her and hit her right side chest and she fell down on the road alongwith the bicycle and got injured. The motor cycle rider fled away alongwith his motor cycle and she could not note down the number of the said motor cycle.

The aforesaid case remained untraced. Subsequently, on 06.10.2021, a similar incident took place and pursuant to that incident, the petitioner was arrested on 08.10.2021 and has been in custody ever since.

The learned counsel for the petitioner submits that the petitioner is not named in the FIR and the complainant has refused to suffer a

statement under Section 164 Cr.P.C. despite repeated requests. The petitioner is a poor cook whose mother is a maid and has been falsely implicated in the present case.

The learned State counsel, however, submits that this is a very serious offence against a lady and the conduct of the petitioner does not entitle him to the concession of regular bail.

He has produced the custody certificate of the petitioner in Court today. The same is taken on record.

I have heard the learned counsel for both the parties.

Admittedly, the petitioner in the present case is in custody since 08.10.2021. In the second FIR i.e. FIR No.0075 registered against the petitioner on 06.10.2021 (Annexure P-2), he has been granted bail by this Court vide order dated 04.02.2022 (Annexure P-3). It appears that the witnesses to this occurrence have not appeared in the Court despiteailable warrants having been issued. The petitioner is of the age of 24 years, and without any other prior criminal record. Therefore, he deserves the concession of regular bail.

Keeping in view the aforementioned facts, without going into the merits of the case, the present petition is allowed and the petitioner-Vishwas is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Chandigarh.

April 04, 2022
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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