

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

217-A

CRM-M-17365-2022 (O&M)

Date of Decision: 01.09.2022

OM PARKASH @ TIWARI

...Petitioner

Versus

STATE OF UT CHANDIGARH

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. JS Dadwal, Advocate
for the petitioner.

Mr. Rajiv Vij, Additional PP UT Chandigarh.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.98 dated 10.07.2021, registered under Sections 147, 148, 149, 323, 341, 395 and 397 IPC read with Section 34 IPC, at Police Station Maloya, Chandigarh.

Learned counsel for the petitioner submits that the present FIR was got lodged at the instance of complainant, namely, Rajesh, in which one Kuldeep Singh (uncle of the complainant) was a witness; that on the day of the occurrence, the complainant and two accused person, were crossing the road on their respective motorcycles; where on account of some misunderstanding, dispute arose between them and that it is a case of road rage, which has been given the cloak of unlawful assembly, snatching and dacoity. He further submits that the complainant has not received any grievous injury; that now a compromise has been effected between the parties on 07.06.2022, on the basis of which the parties have

preferred a quashing petition and that the petitioner has been in custody since 13.07.2021. Still further, it is submitted that the complainant while appearing as PW before the learned trial Court has not supported the prosecution version and turned hostile.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he along with 10-15 other persons armed with lathis, swords and other deadly weapons, have caused injuries to the complainant party. He further submits that out of the said 10-15 persons, seven have been indicted as accused in the present case and that some of the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

Admittedly, the occurrence took place at the spur of the moment. The petitioner has been in custody since 13.07.2021. The parties to the lis are the residents of same locality and the compromise has been effected between them. As per the learned counsel for the petitioner, the case of road rage has been given the cloak of criminal proceedings. Complainant has turned hostile and remaining prosecution witnesses are yet to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the

present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

01.09.2022

Aman Jain

Whether speaking/reasoned

Whether reportable

(HARNARESH SINGH GILL)

JUDGE

:

:

Yes/No

Yes/No