

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-28312 of 2022
Date of Decision:11.07.2022

Gurjeet Singh

---Petitioner

versus

State of U.T.Chandigarh

---Respondent

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

Present: Mr. Jagtar Kureel, Advocate
for the petitioner

Mr. Sumit Jain, APP with
Ms. Parminder Kaur, Advocate
for the U.T.Chandigarh

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No. 351 dated 22.08.2017 under Sections 323, 365 and 34 of the Indian Penal Code registered at Police Station Sector-39, Chandigarh.

Learned counsel appearing for the petitioner contends that the FIR in question had been registered on the basis of the complaint filed by Anil Kumar wherein he had alleged that he alongwith his friend Vikram @ Chipari were present in Sector 56/55, thereafter he came to know that Chipari has taken Rs. 6000/- from three persons for supplying Narcotic injections to them and thereafter, Chipari ran away from the spot and those three boys had forcibly took him in auto from Jamun Chowk and they were taking him towards Maloya, Chandigarh. They gave beatings to him and also threatened the driver of the auto not to stop the auto. In the meantime, when he passed through Jeeri Mandi, Sector-39, Chandigarh,

he saw a PCR van. He raised alarm for help. The PCR van started following them and those three persons threw him out of the auto due to which he had suffered minor injuries. Thereafter, the police caught those three boys in auto and investigation was conducted. The investigation was concluded and the final report was filed in the Court against Gagandeep Singh @ Honey, Vikram Singh and the petitioner.

Learned counsel appearing for the petitioner contends that during the trial, the petitioner was released on regular bail. He regularly attended the trial. However, on account of failure to attend the proceedings in the year 2019, non-bailable warrants were issued against the petitioner whereupon the petition for grant of anticipatory bail was moved by the petitioner. Vide order dated 21.12.2019, the interim bail was granted to the petitioner and he was directed to surrender before the trial Court within a period of seven days from the date of order. He submits that owing to the difficulties, he could not arrange for surety and surrender before the Court as per the directions of the trial Court. Thereafter the Court was closed due to outbreak of Covid-19. The petitioner was then taken in custody on 08.01.2022. Learned counsel submits that failure on the part of the petitioner to surrender in terms of the directions issued by the Court was on account of his failure to arrange for the requisite surety and that he has already been enlarged on bail and further undergone enhanced custody of more than six months. Only three witnesses have been examined so far.

Learned counsel appearing on behalf of the U.T.Chandigarh states that there are total 16 witnesses. He does not controvert the facts narrated by counsel for the petitioner.

I have heard learned counsel for the parties and have perused

the material on record.

Taking into consideration the circumstances noticed above as well as the fact that earlier regular bail was granted to the petitioner; order of grant of anticipatory bail; the period of custody undergone subsequent to his arrest; and the stage of trial, I deem it a fit case to allow bail to the petitioner. The present petition is allowed and the petitioner is admitted to regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court.

(VINOD S. BHARDWAJ)
JUDGE

11.07.2022

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No