

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

213

CRM-M-34961-2022
Date of decision : 23.08.2022

Sandeep

Petitioner

V/S

State of U.T. Chandigarh

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Ms. Ekta Thakur, Advocate
for the petitioner.

Mr. J.S. Toor, Additional Public Prosecutor
for U.T. Chandigarh.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.48 dated 23.02.2017 registered under Sections 147, 148, 149 and 307 of the Indian Penal Code, 1860 and Sections 26 and 27 of the Arms Act, 1959 at Police Station Sector 34, Chandigarh.

The above-said FIR was registered on statement of complainant-Karan Singh who alleged that on 22.02.2017 at about 9:30 p.m. when he was in the market which near to his office, 02-03 boys came there, out of whom 02 boys had pistol and 01 had a steel rod in his hand and they attacked him. One of them fired gun shot in his left leg and second person fired again and he got hurt with the bullet on his right arm. The accused persons then caught hold of him and threw him on the ground and started beating him with the rod due to that his jaw got broken. When many people gathered there, the accused ran away

considered him as dead.

Learned counsel for the petitioner submits that the petitioner had been granted bail by the Additional Sessions Judge, Chandigarh. Thereafter, the petitioner had been appearing regularly before the trial court. However, on 22.11.2021 the petitioner could not appear before the trial court as he got himself treated from Civil Hospital, Sonipat. He informed his counsel about the ailment and his inability to come present to attend the Court. However, since the counsel for the petitioner could not appear himself, the factum of ailment of the petitioner was not brought to the notice of the trial Court which resulted in cancellation of bail/surety bonds of the petitioner and issuance of non-bailable warrants of arrest against him by the trial Court. The petitioner had surrendered before the trial Court on 18.04.2022 and since then he was in custody. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand, learned State counsel has opposed the present petition on the grounds that the petitioner has committed a heinous crime. Learned State counsel further submits that during the course of trial, the petitioner jumped the bail and tried to flee from justice. The petitioner is also involved in 07 other cases.

Custody certificate dated 23.08.2022 has been filed by learned State counsel in the Court which is taken on record. As per the custody certificate, the petitioner has undergone total custody period of 01 years 01 months and 29 days. So far as the involvement of petitioner

in 07 other cases is concerned, as per column No.2 the trial is pending in the said cases and in 05 cases the petitioner is already on bail.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the custody period of the petitioner, the fact that the absence of the petitioner before the Court below appears to be unintentional and also the fact that the trial is likely to take long time, the instant petition is allowed.

The petitioner-Sandeep is ordered to be released on regular bail on his furnishing bail bonds and 02 solvent sureties to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

23.08.2022

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(ASHOK KUMAR VERMA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No