

210 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37074 of 2022(O&M)
Date of Decision: 26.08.2022.

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... Petitioner

Vs.

State of Union Territory, Chandigarh

.. Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. S.K.Tripathi, Advocate
for the petitioner.

Mr. A.K.Goyal, APP., UT Chandigarh.

AMAN CHAUDHARY, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C., for the grant of regular bail to the petitioner in respect of FIR No.42 dated 22.03.2022, under Sections 147, 148, 149, 341, 323, 307, 506 IPC, registered at Police Station Mauli Jagran, District Chandigarh.

Learned counsel for the petitioner submits that no specific role has been attributed to the petitioner in the FIR. The injury on the person of the victim, which falls under Section 307 IPC, has been attributed to Kancha, who is the main accused who is still in custody. He submits that though a danda has been recovered from the petitioner, however no injury has been attributed to him. He further submits that the petitioner is in custody since 24.03.2022, challan was filed on 16.06.2022 but the charges have not been framed as yet. It is also stated that the petitioner is only 19 years old.

Learned State counsel opposes the prayer of the petitioner and submits that one other case i.e., FIR No.85 of 2021, under Sections 307, 452, 341 IPC, registered at Police Station Sector-14, Panchkula, is pending. However, he is unable to dispute the factum of the petitioner not having been attributed any injury to the victim. He further submits that the next date of hearing for framing of charge is 15.09.2022.

Learned counsel for the petitioner in rebuttal submits that the petitioner is on bail in the said case.

Heard learned counsel for the petitioner as well as the learned State counsel.

As per the case of the prosecution, no specific role and injury has been attributed to the petitioner. Kancha, who is still in custody, is stated to be the main accused. A recovery of *danda* has been shown to from the petitioner, though no specific attribution of any injury caused by him has been alleged.

It is the common case of both the parties that the petitioner is in custody for last five months, though the challan has been filed but the charges are yet to be framed. The petitioner is stated to be involved in another FIR, but is on bail in that case. The petitioner is a 19 years young boy, who is in custody since 24.3.2022, his further incarceration would serve no useful purpose.

Accordingly, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not being required in any other case.

It is, however, clarified that nothing stated hereinabove be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the above observations, which have only been made for the purpose of adjudicating the present petition for grant of bail.

The State/complainant shall be at liberty to move an application for cancellation of bail granted vide this order, in case any attempt whatsoever is made by the petitioner and / or his family members to directly or indirectly contact / threaten/ intimidate/coerce/induce any of the witnesses or persons acquainted with the alleged incident or try to temper with the evidence.

26.08.2022
rekha sharma

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No