

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

110+229

CRM-M-46548-2021

DATE OF DECISION: 05.01.2022

SHAMBHU PRASAD

... Petitioner(s)

Versus

UT CHANDIGARH

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Varun Katyal, Advocate
for the applicant/petitioner.

Mr. Akashdeep Singh, Addl.P.P., U.T., Chandigarh.

Mr. Gaurav Dutta, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J. (ORAL)

Case taken up through video conferencing.

CRM-44413-2021

Learned counsel for the applicant/petitioner contends that the investigating agency has also added Sections 467, 468, 471 IPC in the FIR and the same may be added in the head note as well as in the prayer clause of the main petition.

Issue notice in the application.

At the asking of the court, Mr. Akashdeep Singh, Addl.P.P., U.T., Chandigarh accepts notice on behalf of the non-applicant/respondent.

Heard.

Application is allowed and the offence under Sections 467, 468, 471 IPC shall be read in the head note, in the prayer clause of the main petition.

MAIN CASE

The petitioner is seeking regular bail in FIR No.142 dated 16.09.2021, under Sections 387, 507, 120-B IPC (Sections 467, 468, 471 IPC added later on), registered at Police Station Sector 17, Chandigarh.

Learned counsel for the petitioner contends that it is alleged in the FIR that the complainant had received a threatening call from a mobile number 9523213555. He further contends that the Truecaller application showed that the aforesaid number belongs to co-accused Ayan Khan. There is no call from the mobile number of the petitioner to the complainant. It is also alleged that an attempt had been made to oust the complainant from his ancestral land in East District Champaran, Bihar. The possession of the land continues to be with the complainant. He, however, contends that the petitioner is in custody for over 3 months and he is not involved in any other criminal case.

Learned counsel for the complainant states that the petitioner along with the co-accused had prepared false documents to oust the complainant from his ancestral land in Bihar and, therefore, the petitioner is not entitled to the concession of regular bail.

Learned State counsel contends that the challan has been filed but charges are yet to be framed.

Heard.

In view of the above, especially when the call has been made from the number belonging to the co-accused, the petitioner is in custody for over 3 months, he is not involved in any other criminal case, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

05.01.2022

SwarnjitS

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