

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-1253-2023

Date of Decision:-16.01.2023

Sonu.

.....Petitioner.

Versus

State of U.T., Chandigarh.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Ms. Menka Gupta, Advocate for the Petitioner.

Mr. Anupam Bansal, Addl. PP for U.T., Chandigarh.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.126 dated 13.08.2022 under Sections 341, 324 and 34 IPC (Section 307 IPC added later on) registered at Police Station Sector 39, Chandigarh.

2. The FIR came to be registered at the instance of Vijay son of Ram Parsad who stated that he was selling vegetables. On 12.08.2022 a quarrel took place between him and Sonu son of Ram Tej who was his neighbour and pursuant to the intervention of the police a compromise was effected on the same day. At about 5.30pm when he had gone to Sector 56, Chandigarh Park for a walk and reached near the Government Model Senior Secondary School then at that time Sonu along with two younger brothers Monu @ Ganja and Raj Kumar @ Chiku came there and stopped him

(Complainant). Thereafter Sonu, Monu and Raj Kumar @ Chiku first gave him fists and kick blows and when he started raising a noise then Sonu caught hold of his right hand and Monu @ Ganja caught his left hand. Both asked Raj Kumar @ Chiku to beat him and teach him a lesson. Raj Kumar @ Chiku took a scissor like item concealed by him and gave a blow upon his neck and another blow on the right side of his chest. On his (complainant) raising a hue and cry they all fled away from the spot.

3. The Counsel for the petitioner contends that there is a delay of one day in registration of the FIR. The said delay has been used to concoct a false and hypothetical story. So far as the petitioner is concerned the role attributed to him is of having caught hold of the injured and giving him kick and fist blows. Since the petitioner was in custody since 26.08.2022 and none of the 15 prosecution witnesses had been examined, the further incarceration of the petitioner was not required more so when he was a first time offender.

4. The Counsel for the State of U.T., Chandigarh on the other hand contends that the petitioner, in fact is the main accused. The occurrence took place on account of a prior altercation between the petitioner and the complainant. Therefore, the petitioner did not deserve the concession of bail. He however, admits that the petitioner is a first time offender and none of the 15 prosecution witnesses had been examined so far as also the fact that the petitioner is in custody since 26.08.2022.

5. I have heard learned Counsel for the parties.

6. Admittedly, the petitioner is stated to have given kick and fist blows. He is in custody since 26.08.2022. None of the 15 prosecution witnesses had been examined so far. Therefore, the Trial of the present case

is not likely to be concluded anytime soon. Even otherwise, the petitioner is a first time offender with no other case registered against him.

7. Thus, without commenting on the merits of the case, the petitioner-**Sonu** son of Sh. Ram Tej is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

January 16, 2023
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>