

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CRM-27668-2023 in/and
CRM-M-25309-2023 (O&M)
Date of decision: 13.07.2023

Tushar Bhatia

...Petitioner

VS

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE ARUN MONGA

Present: Mr. N.K.Verma, Advocate for
Mr. Ankush Verma, Advocate,
For the petitioner.

Mr. Dhruv Dayal, Additional A.G., Punjab.

ARUN MONGA, J. (ORAL)

CRM-27668-2023

This is an application for preponement of the main case from 27.07.2023 to an early actual date of hearing.

For the reasons stated in application, same is allowed and the main case is taken up on Board for hearing today itself.

Main case

Aggrieved on being declined bail by learned trial Court, petitioner before this Court, aged 20 years, seeks his release as an undertrial in criminal case bearing FIR No.0033 dated 04.03.2023, registered under Sections 379 B (2) of the Indian Penal Code and Section 395 of IPC, 1860 added later on, at Police Station Sarabha Nagar, District Ludhiana.

3. Per FIR, at around 11.15 p.m., the complainant, a professor in the University, was on his way back home when two youths riding on a motorcycle way laid him. One was wielding a sharp edged weapon. They assaulted the complainant and decamped with his car after snatching its keys. An FIR was registered. Subsequently, car was allegedly recovered from the petitioner and he was arrested on 05.03.2023.

4. Learned counsel for petitioner submits that petitioner has been falsely implicated in this case. Initially, he was not named in the FIR, he has been named as an afterthought in a supplementary statement of the complainant. Complainant changed the entire version in his supplementary statement, contends the counsel. There is no specific allegation leveled against the petitioner except that he took the motorcycle of the one of the accused from the spot. He would further urge that co-accused Karan Sunet alias Karanveer Singh Kannu, Kuldeep Singh alias Deepa and Sukhpreet Singh alias Heera were granted the concession of regular bail by learned trial Court while co-accused Shubham Dhand has been released on interim bail by this Court vide order dated 08.08.2023 for a period of 08 weeks.

4.1 Learned counsel for the petitioner further states that petitioner is 20 years old, unmarried young boy and 10+2 pass and was doing the job as delivery boy in Blinkit company and future will get severely tarnished with his continued incarceration.

5. Learned State counsel strenuously opposes the instant petition. He on instructions from ASI Rajpal Singh, submits that challan was filed on 20.04.2023 and charges are yet to be framed. There are 11 prosecution witnesses. He submits that allegations are serious in nature. Even otherwise, a person of the stature of Professor, would not make a false complaint. On a Court query, he admits that no other case is pending against the petitioner and co-accused as aforesaid are on bail.

6. I have heard learned counsel for the parties and gone through the case file.

7. Challan has been presented. Charges are yet to be framed. There are 11 prosecution witnesses. Trial has not commenced. Petitioner is in custody since 05.03.2023. Nothing is to be recovered from the petitioner. Since investigation is complete, therefore, custodial interrogation of the petitioner is not required and he

is being kept in jail only on the suspicion of tampering with the evidence and /or influencing the witnesses. Trial is unlikely to conclude in near future, whereas petitioner has already been languishing in jail for the past four months and eight days in preventive custody. Even otherwise, petitioner is also entitled to bail on the ground of parity since his three co-accused have already been granted bail by learned trial Court.

8. Considering the overall scenario, but at the same time, without commenting on merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep petitioner in further preventive custody.

9. Accordingly, petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

10. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

11. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits the case as the same are for the limited purpose of bail hearing alone and learned trial Court shall proceed without being influenced with this order.

12. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

13.07.2023
Vandana

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