

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

CRM-M-38526 of 2022

DATE OF DECISION :- January 10, 2023

Sumit @ Dangar

...Petitioner

Versus

State of U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Ms. Ekta Sharma, Advocate for the petitioner.

Mr. Sanchit Choudhary, Advocate
for Mr. Akashdeep Singh, Addl.P.P., UT. Chandigarh.

This is the third petition for regular bail filed by petitioner Sumit @ Danger, an accused in F.I.R. No. 133 dated 17.8.2019 registered with Police Station Maloya, Chandigarh for offences under Sections 323, 325, 506, 307, 324, 326 IPC.

Briefly stated the facts of the case as per prosecution story are that on 17.8.2019 at about 1.30 A.M, while complainant Linkan along with his friends Arun and Prince were standing near park of Village Dadu Majra, Chandigarh, then accused Sumit @ Dangar came and stabbed Prince on account of previous enmity. Resultantly, Prince got injured. He was hospitalized. The matter was reported to the police. Accused Sumit @ Dangar was arrested in this case and he is behind bars since 17.8.2019.

After completion of investigation and other formalities, challan against him has since been filed and he is facing trial. The petitioner had approached the trial Court repeatedly seeking regular bail but was

unsuccessful. He had come to this Court on previous two occasions craving for grant of that very concession but had withdrawn those two petitions. He has knocked at the door of this Court for the third time praying that he be granted concession of regular bail which request is being opposed by the State counsel.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

As per custody certificate filed by the State counsel, the petitioner accused is behind bars for a period of 3 years 4 months and 24 days. The trial against him is going on. The eye witnesses of the incident have since been examined but some statements of official witnesses are yet to be recorded. In that way the conclusion of trial is likely to take considerable time. Although as per custody certificate the petitioner is shown to be involved in two more criminal cases but then he is reflected to be acquitted in both such cases. The guilt of the accused shall be determined during the trial.

Considering all facts and circumstances, especially the period of his custody, I am of the view that the petition deserves to be accepted and it is hereby allowed. Petitioner Sumit @ Dangar is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Chandigarh subject to the following conditions :-

- (i) he shall appear in the Court on each and every date of hearing.
- (ii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iii) he shall not leave India without prior permission of the Court and shall surrender his Passport, if he

has got one, otherwise to furnish affidavit in that regard.

- (iv) he shall not indulge in any criminal activity.
- (v) he shall get his presence marked in the local police station on every Saturday of the week between 11.00 A.M. to 2.00 P.M. so that an eye can be kept on his movements and he is deterred from indulging in any criminal activity.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

The Court accepting the bonds is to ensure that the surety furnished by the petitioner is local one, having documentary proof of the sufficient immovable property within jurisdiction of the said Court. An endorsement be made on the title deed of the property that the said person has stood as a surety for the petitioner. A copy of that document be retained on the record of the Court. Photographs of the surety, accused and attesting witnesses be also obtained and placed on record.

(H.S. MADAAN)
JUDGE

January 10, 2023
p.singh

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