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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-43426-2023****Date of Decision: 20.09.2023**

Vijay Lot

...Petitioner

VS.

State of U.T., Chandigarh

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Munish Bhardwaj, Advocate
for the petitioner.

Ms. Simsi Dhir, Addl.P.P. for U.T., Chandigarh.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.21 dated 12.04.2023 registered under Sections 323, 324, 307, 506 of IPC, at Police Station I.T. Park, Chandigarh.

2. The FIR in the present case was got registered by Raju Gupta, complainant, who stated that he was residing in New Indira Colony, Manimajra, Chandigarh, alongwith his family. At about 1.30 p.m. on 12.04.2023, a quarrel had taken place between him and his neighbour Vijay Lot, petitioner on some issue of minor children. After sometime, Vijay Lot, petitioner came to their house and started abusing the brother and father of the complainant. When the father and brother of the complainant asked Vijay Lot not to abuse them, he immediately ran towards his house and brought a knife and attacked the brother and father of the complainant with a knife. In the said incident, father and

brother of the complainant had suffered multiple injuries and were shifted to Civil Hospital, Manimajra. However, keeping in view their serious conditions, they were referred to GMCH, Sector – 32, Chandigarh.

3. Learned counsel for the petitioner submits that the petitioner was arrested in the present case on 13.04.2023 and is in custody for the last more than five months. He further contends that the final report under Section 173 Cr.P.C. has already been presented in the Competent Court and now the case is listed on 21.10.2023 for framing of the charges. Thus, the trial Court may take a considerable time in concluding the trial proceedings. Learned counsel for the petitioner further contends that both the injured have been discharged from the hospital long back and both of them are hale and hearty.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that he is the main accused and does not deserve the concession of bail. She further contends that one more FIR No.672, dated 18.12.2015, under Sections 379, 411 of IPC was registered at Police Station Manimajra, Chandigarh. However, she admits that he is on bail on the said case.

5. I have heard the learned counsel for the parties and perused the record.

6. As per the admitted case of the prosecution, the parties had quarrelled over a trivial issue in the locality, where both the parties were residing. The petitioner was taken in custody on 13.04.2023 and is in custody for the last more than five months. Thus, no useful purpose would be served by keeping him in custody.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to him.*
- (vii) The concerned Court may insist on two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bail bonds and surety bonds of the petitioner.*

- (viii) *The petitioner shall report every 1st Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st Monday before the concerned SHO, the concession granted to him shall be liable to be cancelled and the U.T., Chandigarh shall be at liberty to move an appropriate application in this regard.*
- (ix) *The petitioner shall also file an affidavit before the concerned Court that he shall not even try to approach the complainant as well as the injured in the present case. In case, the petitioner tries to contact either the complainant or any of his family members/injured, it shall be viewed seriously and the concession of bail granted to him shall liable to be withdrawn immediately.*

20.09.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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