

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

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CRM-M-47119-2022

Date of Decision :-12.07.2023

Ravi Kumar**...Petitioner****Versus****Union Territory, Chandigarh****...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Amit Kumar, Advocate for
Mr. Satish Kumar, Advocate for the petitioner.

Mr. Abhinav Gupta, A.P.P, U.T. Chandigarh
assisted by S.I. Kuldeep Singh.

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Harsimran Singh Sethi, J. (Oral)

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.117 dated 08.07.2022 registered under Sections 379-A and 34 of the IPC (Section 411 of IPC added later on) at Police Station Industrial Area, Chandigarh.

2. Learned counsel for the petitioner submits that the allegations against the petitioner are false which is proved from the fact that the complainant has not supported the prosecution version and has been declared hostile. Learned counsel for the petitioner further submits that the petitioner is behind the bars since 09.07.2022 and as the trial is likely to take some time before it concludes and the petitioner is suffering incarceration, he may kindly be extended concession of regular bail.

3. Learned State counsel on the other hands submits that the

petitioner is involved in other cases also but concedes the factum that in the present case, the complainant has not supported the prosecution version.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. Though, the innocence or guilt of the petitioner will be determined on the basis of complete evidence which will come on record during the course of trial but keeping in view the fact that the complainant has not supported the prosecution version, as of now, no useful purpose will be served by keeping the petitioner behind the bars during the entire period of trial. Further, nothing has come on record that the petitioner is interfering in the trial in any manner coupled with the fact that the learned counsel for the petitioner has undertaken before this Court that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders, the petitioner has made out a case for the grant of concession of regular bail.

6. Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

7. However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

July 12, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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