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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 15.09.2023

Parmeet Singh

....Petitioner

V/s

The State of U.T. Chandigarh

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Gaurav Datta, Advocate for the petitioner.

Mr. Sarvjit Singh Khurana, Addl. P.P. U.T. Chandigarh.

ARUN MONGA, J. (Oral)

After being declined bail by learned trial Court, petitioner before this Court seeks his release as an undertrial in case bearing FIR No.112 dated 04.07.2023 (Annexure P-1) registered under Section 365 read with Section 34 IPC and Section 25 of the Arms Act at Police Station, Sector 31, Chandigarh.

2. Per prosecution, complainant Sonu alleged that on 04.07.2023, at about 07:46 p.m., he along with his friend Abhishek was going home on a motorcycle. He was driving the motorcycle whereas his friend Abhishek was sitting pillion. Suddenly, a car bearing registration No. CH 01BU 3835 stopped in front of them. Accused Ravi along with his three friends, Yash, Mohit and Parmeet (petitioner herein) alighted from the car. Accused Ravi tried to attack them with a sharp weapon. However, complainant managed to flee but his friend, namely, Abhishek was abducted by the accused. FIR was registered. During investigation, accused Ravi Kumar was arrested and he admitted his involvement and that of his co-accused in the alleged incident. He also got a knife recovered which was used to intimidate the abducted. Petitioner was arrested on 10.07.2023 and is in custody ever since.

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3. Learned counsel for the petitioner contends that no role has been attributed to the petitioner, either overt or covert. It being a case of no injury, the allegations of abducting/kidnapping are doubtful and the ingredients of Section 365 IPC are not made out against petitioner. Moreover, Arms Act has been invoked merely because a knife was allegedly recovered from co-accused. It is conceded position that nothing incriminating was recovered from petitioner to attract the provisions of Arms Act.

3.1 He also urges that petitioner is an undergraduate i.e. student of B.A. 3rd year and is presently pursuing his graduation from Punjabi University, Patiala. He is in the career building years of his life and his entire career would be ruined in case of his further incarceration.

3.2. Learned counsel further urges that nothing is to be recovered from the petitioner and, thus, no useful purpose would be served by keeping him behind bars. Investigation is complete and petitioner is not required for custodial interrogation. Petitioner is not involved in any other case.

3.3 He further contends that two co-accused of petitioner, namely Yash and Mohit have been granted concession of bail by Juvenile Justice Board, Chandigarh.

4. On the other hand, learned State counsel opposes the petition and submits that petitioner has committed a serious offence. If enlarged on bail, there is every likelihood that petitioner will commit similar offence and/or will flee from trial, and he might tamper with evidence or influence/ intimidate the witnesses. He, however, admits that petitioner is not involved in any other case.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. On a Court query, learned State counsel, on instructions from ASI Parvinder Singh, submits that challan was presented on 02.09.2023, but charges

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have not been framed. Investigation is thus complete *qua* petitioner, he is not required for custodial interrogation. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Commencement/conclusion of the trial is likely to take quite some time as it is proceeding at a snail pace. Whereas petitioner has already been languishing in jail for more than 02 months in preventive custody, being behind bars since 10.07.2023.

7. Petitioner is being kept in preventive custody merely on an unfounded suspicion that if he is let out, he may either tamper with evidence and/or influence witnesses.

8. Petitioner is stated to be a 20-year old young undergraduate student and is on the cross-roads of his career, which would severely jeopardize his future. His continued incarceration will permanently ruin his chances to earn livelihood and he may be rendered jobless forever. Having fixed abode and clean antecedents, it is unlikely that he poses any flight risk and/or will flee from trial proceedings.

9. Co-accused of petitioner have already been granted the concession of bail by learned Juvenile Justice Board.

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

11. 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.

12. Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for limited purpose of

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bail hearing alone and learned trial Court shall proceed without being influenced with this order.

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

(ARUN MONGA)
JUDGE

September 15, 2023
Ajay

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