

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-49353-2022

Date of Decision: 1.5.2023

Sunny

....Petitioner

VERSUS

State of U.T., Chandigarh

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Jatin Khurana, Advocate
for the petitioner.

Mr. Kushager Goyal, Advocate for
Mr. Sumit Jain, APP, UT, Chandigarh.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.19 dated 14.2.2022 registered for the offences punishable under Sections 379-B, 511, 34 IPC (deleted) and Sections 341, 395 IPC added at Police Station Sector 19, Chandigarh.

2. The allegations in nutshell are that on 14.2.2022 at about 4:00 a.m., 4 unidentified young boys having muffled faces intercepted three wheeler in which the complainant and his brother were travelling and then the said unidentified young boys attacked the complainant with the help of small axe but they were resisted by the complainant and other persons and then the said miscreants fled away from there. During the investigation, the petitioner was apprehended by the police.

3. Counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case after registration of FIR and he is in custody for the last more than 1 year and 2 months and the complainant is already examined during trial and that it will take considerable time for the trial to terminate. So, prayer is made that the petitioner be released on bail.

4. Present petition is resisted by the State counsel who on instructions from ASI Ram Chander, submits that during investigation of the case, the name of the petitioner figured and thereafter, the petitioner was arrested and one hammer was recovered from him. However, the State counsel has not disputed the fact that the petitioner is in custody for the last 1 year and 2 months and during trial, the complainant/injured is already examined. State counsel apprised the Court that co-accused Aman has been declared proclaimed offender and is absconding. He further apprised the Court that till date, only one witness has been examined on behalf of the prosecution out of total 22 witnesses.

5. I have considered the submissions made by the counsel for the parties.

6. Admittedly, FIR in this case was registered against unknown persons who attacked the complainant in order to commit snatching but they failed in their attempt. The petitioner who was arrested during investigation is incarcerated for the last more than 1 year and 2 months and one hammer is stated to have been recovered at the instance of the petitioner. Admittedly, after completion of investigation, challan stands presented and trial is at its initial stage but the complainant has been examined. In the given circumstances, there is no apprehension that if released on bail, the

petitioner is going to induce/pressurize him to depose in his favour. Further, it will take considerable time for trial to terminate. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

May 1, 2023
Paritosh Kumar

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