

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

107

CRM-M-4291-2024

Date of decision: 29.01.2024

Krishan Kumar

.....Petitioner

Versus

State of U.T. Chandigarh and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. TTP Singh, Advocate
for the petitioner.

Mr. Abhinav Gupta, Addl. P.P., U.T. Chandigarh.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner-complainant is seeking cancellation of regular bail granted to respondent No.2-accused vide order dated 16.12.2023 (Annexure P-8) by the learned Trial Court in case FIR No.77 dated 22.05.2022 under Sections 304, 34 of the IPC (Section 302 of the IPC added lateron) registered at Police Station Manimajra, Chandigarh.

2. Learned counsel for the petitioner inter alia contends that the Trial Court concerned while passing the impugned order failed to appreciate and take into account the gravity of the offence inasmuch as the deceased was inflicted fist blows by respondent No.2-accused along with co-accused, which proved to be fatal for the deceased. The occurrence was also recorded in a CCTV camera which was installed in the vicinity of the place of occurrence. The petitioner-complainant while stepping into the witness box had supported the case of the prosecution, however, the trial Court chose to ignore the said fact while

passing the impugned order which was a non-speaking one. Hence, in the circumstances, the impugned order, vide which respondent No.2-accused had been enlarged on bail, deserved to be set aside.

3. On a pointed query put to the learned counsel for the petitioner as to whether respondent No.2-accused had misused the concession of bail granted to him by the Trial Court vide order dated 16.12.2023, he has replied in the negative and reiterated the seriousness of the allegations levelled against respondent No.2-accused.

4. Mr. Abhinav Gupta, Addl. P.P., U.T., Chandigarh has entered appearance on behalf of respondent No.1-U.T., Chandigarh.

5. A query has also been put to the learned Addl. P.P., U.T., Chandigarh as to whether respondent No.2-accused had misused the concession of bail granted to him vide impugned order or if he had been involved in any other crime after 16.12.2023, he on instructions has also replied in the negative.

6. Learned Addl.P.P., U.T. Chandigarh has further informed the Court on instructions that all the material witnesses stand examined; besides respondent No.2-accused, the other co-accused who also physically assaulted the deceased are on bail and qua none of them any complaint has been received by the police.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. This Court does not find any perversity much less illegality in the impugned order vide which respondent No.2-accused was granted the concession of regular bail after he had been in custody for 01 year and 07 months. All the co-accused who too had allegedly

participated in the occurrence, have since been released on bail. As per allegations levelled in the FIR in question which has been annexed as Annexure P-1, the accused including respondent No.2, inflicted fist blows and kick blows on the deceased; after being inflicted a fist blow, the deceased fell down on the ground. On being removed to the hospital, the deceased was declared dead. As not disputed by either of the parties, there has been no misuse of the concession of bail and furthermore, after being enlarged on bail as per instructions received by the learned Addl.P.P., U.T. Chandigarh, respondent No.2-accused has been appearing before the Trial Court on each and every date.

9. Thus, in the aforementioned facts and circumstances, no ground is made out to accept the prayer of the petitioner and cancel the regular bail granted to respondent No.2-accused vide the impugned order. Accordingly, the instant petition is hereby dismissed.

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

29.01.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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