

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

109

CRM-15365-66-2024 in/and
CRR-696-2024 (O&M)
Date of order: 08.04.2024

Manish Singh @ Golu

... Petitioner(s)

Versus

State of UT Chandigarh and another

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Jarnail Singh Saneta, Advocate
for the petitioner(s).

Mr. Manish Bansal, PP, UT, Chandigarh.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
37	17.03.2020	Sector-3, Chandigarh	452, 323, 379, 511, 34 IPC (Sections 307 & 397 IPC added later on)

CRM-15365-2024:

For the reasons stated in the application, the same is allowed and delay of 108 days in filing the present revision petition is condoned.

CRM-15366-2024 in/& CRR-696-2024 (O&M):

1. Aggrieved by the impugned order dated 20.09.2023 passed by the Additional Sessions Judge, Chandigarh (Exercising the powers of Children’s Court), whereby the appeal filed by the petitioner for grant of bail against the order dated 01.08.2023 passed by Principal Magistrate Juvenile Justice Board, was dismissed, the petitioner has come up before this Court by filing the present petition under Section 401 CrPC. Along with the present revision petition, the petitioner has also filed an application CRM-15366-2024 for interim bail on the ground that his 10+2 examinations are starting from 15.04.2024 and he has annexed his Hall Ticket/Date sheet on Annexure P-2.
2. Perusal of Annexure P-2, clearly points out that petitioner is a student of senior secondary and his exams are starting from 15.04.2024 and would conclude on

21.05.2024.

3. Counsel for the petitioner contends that the denial of interim bail would cause an irreversible injustice to the petitioner's career. He further submits that he has instructions to withdraw the main petition with liberty to file a fresh one after surrender, in case, this Court grants interim bail to the petitioner for scheduled examinations.

4. Considering that petitioner is a young boy aged 20 years and viz-a-viz offence involved coupled with the declaration made in the petition, this court is of the considered opinion that the petitioner is entitled to the interim bail till 22.05.2024, subject to the condition that the petitioner shall not press the main petition at this stage and after surrendering on 22.05.2024, it shall be open for him to file a fresh bail petition under section 401 CrPC on merits.

5. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for limited period interim bail, subject to the following terms and conditions, which shall be over and above and irrespective of the contents of the form of bail bonds in chapter XXXIII of CrPC, 1973.

6. Given above, provided the accused is not required in any other case and the urgency involved in the matter, as examinations are starting from 15.04.2024, the petitioner shall be released on interim bail in the FIR mentioned above, subject to furnishing bail bonds/surety bonds of Rs. Twenty-five thousand (INR 25,000/-) to the satisfaction of the concerned Court/ Judicial Magistrate having the jurisdiction over the Police Station conducting the investigation, and in case of non-availability, any nearest Ilaqa Magistrate/duty Magistrate. It shall be permissible for the applicant-petitioner to furnish surety of his father or any close relative.

7. On the reverse page of personal bonds, the attesting officer shall mention the permanent address of the petitioner along with the phone number linked with the AADHAR card, the other phone numbers (if any), and e-mail (if any). In case of any change in the above particulars, the petitioner shall immediately intimate about the change to the concerned Police Station and the concerned Court.

8. The petitioner shall not influence, browbeat, pressurize, make any inducement, threat, or promise, directly or indirectly, to the witnesses, the police officials, or any other person acquainted with the facts and the circumstances of the case, to dissuade

them from disclosing such facts to the police, or the court, or to tamper with the evidence.

9. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall not enter in Sector-9, Chandigarh, where the victim is residing or anywhere, where victim's property or workplace is located, during the period of interim bail. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to Vikram Singh v Central Bureau of Investigation, 2018 All SCR (CrI.) 458); and Aparna Bhatt v. The State of Madhya Pradesh, **2021:INSC:192**, 2021 SCC Online SC 230.

10. Any Advocate for the petitioner and the Officer in whose presence the petitioner puts signatures on personal bonds shall explain all conditions of this bail order in any language that the petitioner understands.

11. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

12. **The petitioner shall surrender in prison from where he was released, on or before 22.05.2024, by 2 p.m.**

13. *There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

CRM-11366-2024 is allowed. The main revision petition is disposed of as withdrawn with liberty to file a fresh after surrender. The disposal of the present petition shall not stand in the way of filing of fresh petition. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

April 08, 2024
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No