



CRM-M-41232-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(206)

CRM-M-41232-2024 (O & M)
Date of decision: 03.09.2024

Rahul Dayal @ Rahul
.... Petitioner

V/s

Union Territory, Chandigarh
...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rakesh Gupta, Advocate,
for the petitioner.

Mr. Manish Bansal, APP, for U.T., Chandigarh.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this third petition under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 is for the grant of regular bail to the
petitioner in case FIR No.18 dated 27.02.2023 under Sections 392 IPC and
Sections 397 and 411 IPC (added later on) registered at Police Station
Industrial Area, District Chandigarh.

2. The learned counsel for the petitioner contends that the
complainant-Pramod Jaiswal and the Victim Soshil Jaiswal @ Sahil have
been examined PW-2 and PW-1 respectively and have not supported the
prosecution case. As the petitioner was a first-time offender, in custody
since 14.03.2023 but only 04 out of the 22 prosecution witnesses had been
examined so far, the Trial of the present case was not likely to be concluded
anytime soon and therefore, he was not entitled to the concession of bail.



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3. The learned counsel for the U.T., on the other hand, contends that the nature of the allegations levelled against the petitioner did not entitle him to the concession as prayed for. He, however, concedes that the petitioner was a first-time offender, in custody since 14.03.2023, that only 04 out of the 22 prosecution witnesses had been examined so far and that two material prosecution witnesses had not supported the prosecution case and had turned hostile.

4. I have heard the learned counsel for the parties.

5. Admittedly, two material prosecution witnesses being the complainant and the victim (PW-1 and PW-2 respectively) have not supported the prosecution version. Whether the other evidence available on record is sufficient to affix liability upon the petitioner shall be adjudicated upon during the course of the Trial. As the petitioner is stated to be a first-time offender, in custody since 14.03.2023 but only 04 out of the 22 prosecution witnesses have been examined so far, therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, his further incarceration is not required.

6. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Rahul Dayal @ Rahul is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

7. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

September 03, 2024

sukhpreet

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No