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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29103-2024

Date of decision : 19.02.2025

Vikash @ Batti

....Petitioner

versus

Union Territory Chandigarh

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Satish Kumar, Advocate
for the petitioner.

Mr. Manish Bansal, P.P., U.T. Chandigarh.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.102 dated 04.09.2023, under Sections 147, 148, 149, 324, 341, 307 and 506 of IPC and Sections 25/54/59 of Arms Act added lateron, registered at Police Station Maloya, U.T. Chandigarh.

2. Succinctly the facts of the case are that the FIR in the present case was registered on the statement of the complainant, namely, Buntty. It was alleged that on 03.09.2023 at about 9:20 pm, he was near petrol pump of Sector-38 West and in the meantime, 7-8 boys including Bhim, Danger, Batti, Babrik came there. Bhim raised *lalkara* to catch hold the complainant and then he took out knife from his dub and gave the knife blows to him. The other boys also caused injuries to him with bricks and stones. On raising alarm, they escaped from the scene of occurrence and in the meantime, the PCR vehicle took him to PGI. Request was made to take legal action against the culprits. On the registration of FIR, the investigation commenced. The petitioner was arrested on 19.10.2023.



The petitioner approached the Learned Additional Sessions Judge, Chandigarh praying for grant of bail, however, after hearing both the sides, finding no merit, the same was declined by Learned Additional Sessions Judge, Chandigarh vide its order dated 03.04.2024. Aggrieved by the same, the petitioner approached this Court praying for grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that as per the allegations made by the complainant, the petitioner was alleged to be the part of an unlawful assembly and the only role attributed to him is that he gave a brick blow. However, the ocular version is not medically corroborated. He submits that the petitioner is behind bars since the date of his arrest and the material witnesses already stand examined. He submits that though the petitioner has been prosecuted in 02 other cases also, however, he is on bail in those cases. He submits that in the facts and circumstances of the case the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by learned counsel for the petitioner. He submits that the petitioner was the part of an unlawful assembly and all the accused have caused injuries to the complainant-injured. He has produced the custody certificate of the petitioner in the Court and has submitted that the petitioner is involved in 02 other cases as well. However, he has submitted that out of 22 prosecution witnesses, 12 witnesses including the injured/complainant already stand examined and 03 witnesses have been given up.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since 19.10.2023, he is



alleged to be a part of unlawful assembly and had given brick blow to the complainant. The knife injuries were attributed to the co-accused. As per the submissions made by learned State counsel, the complainant has already been examined and out of 22 prosecution witnesses, 12 witnesses have been examined and 03 witnesses have been given up. The custody certificate of petitioner would show that he is behind bars from last 01 year, 02 months and 23 days as on 14.01.2025. Simply because the petitioner is involved in other cases, is no ground for the denial of bail to the petitioner in the present case.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case. If the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in the present case.

(RAJESH BHARDWAJ)
JUDGE

19.02.2025
ps-I

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