



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-32030-2024

Date of Decision: 19.02.2025

Amit Kumar

...Petitioner

vs.

State of U.T., Chandigarh

...Respondent

Coram : Hon'ble Mr. Justice N.S. Shekhawat

Present : Mr. Vaibhav Bhargav, Advocate with
Mr. Himanshu Sharma, Advocate
for the petitioner.

Mr. Yashwant Singh Rathore, Addl. P.P assisted by
Ms. Sudha, Advocate and
Mr. Yuvraj Singh Rathore, Advocate
for the respondent-U.T.

N.S. Shekhawat J. (Oral)

1. The petitioner has filed the second petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 23, dated 12.03.2023, registered under Sections 392, 411, 34 of IPC, Police Station Industrial Area, Chandigarh (Annexure P-1).

2. The F.I.R in the present case has been registered on the basis of the statement made by Amit son of Naresh and the same has been reproduced below:-

“To Respected Station House Officer Daria Chandigarh. It is requested that I Amit son of Sh. Naresh Mistri, House No. 670-A, village Daria and working as carpenter that yesterday on 11.03.2023 me alongwith my friend Munir Alam, who is also live in village Daria after completion of our work from Mohali we are coming back to village Daria on motorcycle that the time is around

11.20 pm our bike is suddenly stop due to some problem in my bike before village Daria near Tekha mod/near nursery, but, we are continuously trying to get start the vehicle and in the meantime two unknown persons came in front of me and out of them one person bring matchstick from us and we refused for the same, but, they both were seemed to be not in consciousness. They started abusing us and also manhandling with us, out of them one person gave me a knife blow with knife hit on my right thigh and also attacked upon Munir Alam in which he also got injury on hand when we started raising alarm then both of the accused persons flee from the spot by Aactiva. Munir to care of me, till then both these persons went towards Makhanmajra that the police vehicle took us to the Government Hospital Sector 32 for treatment and now I am discharged from the Hospital. That if both the persons is came in front of my eyes I will definitely recognize them. That the strict legal action should be taken against the accused persons Sd/- Amit.

3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and has been falsely involved only on the basis of suspicion. The petitioner was arrested in the present case on 12.03.2023 and is in custody for the last 01 year and 11 months. He further contends that the petitioner is a young boy, aged about 17 years and was initially taken to juvenile home at Sector-25, Chandigarh. However, he was declared adult on 29.07.2023. He further contends that the injuries, which were allegedly suffered by the complainant in the present case have been declared to be simple in nature and the statement of the complainant has already been recorded by the Trial Court. Moreover, 14 witnesses out of total 20 witnesses have been examined so far and the petitioner is not in a position to influence the prosecution witnesses in any manner.

4. On the other hand, learned State counsel has vehemently opposed

the prayer made by learned counsel for the petitioner on the ground that the petitioner is involved in four more cases. However, he admits that the complainant has already been examined in the present case and the petitioner is continuing in custody for the last more than 01 year and 11 months.

5. I have heard the learned counsel for the parties and perused the record carefully.

6. It is not in dispute that the recovery of the goods belonging to the complainant have already been effected and the complainant had only suffered simple injuries in the present case. The petitioner is stated to be in custody for the last more than 01 year and 11 months. Moreover, the petitioner is not in a position to influence the witnesses of the prosecution in any manner. Still further, the apprehensions expressed by learned State counsel can be addressed by imposing stringent conditions on the petitioner while granting him concession of bail in the present case.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned Trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already

not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

(viii) The petitioner shall report on every 1st Monday of English calender month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

19.02.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE

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