

**(2011) 04 P&H CK 0346**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** CRM-M No. 8876 of 2011 (O and M)

Gaurav

APPELLANT

Vs

U.T. Chandigarh

RESPONDENT

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**Date of Decision:** April 26, 2011

**Acts Referred:**

- Criminal Procedure Code, 1973 (CrPC) - Section 161
- Penal Code, 1860 (IPC) - Section 147, 148, 149, 307

**Hon'ble Judges:** Alok Singh, J

**Bench:** Single Bench

**Final Decision:** Allowed

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**Judgement**

Alok Singh, J.

This is an application seeking regular bail in case FIR No. 21 dated 22.1.2011 under Sections 147/148/149/307 IPC, P.S. Manimajra, Chandigarh.

2. Learned Counsel for the Petitioner states that the main accused Ashu, who has given knife blow on the body of the injured, has already been enlarged on bail since he was found juvenile. Learned Counsel further states that no specific role has been attributed to the Petitioner and the Petitioner is student of 10+2. Learned Counsel further states that Petitioner is in judicial custody w.e.f. 25.1.2011.

3. Learned Counsel appearing for the UT, Chandigarh has vehemently argued that although and in the FIR, in the first statement recorded u/s 161 Code of Criminal Procedure Petitioner has not been named, however, he has been named in the supplementary statement recorded on 23.1.2011 and the Petitioner is said to have given sword blow on the head of the injured, which was declared dangerous to life.

4. Learned Counsel for the Petitioner vehemently argued that veracity of the original statement recorded u/s 161 Code of Criminal Procedure as well as the alleged supplementary statement is to be seen by the trial Court. However, challan has been

submitted and the injured has already been discharged from the hospital and the trial is not likely to be concluded at the earliest. He further states that in view of the dictum of Hon"ble the Apex Court in the matter of State of Kerala v. Raneef 2011 (1) RCR (Cri) 381, Petitioner must be enlarged on bail.

5. Considering totality of the facts and circumstances of the case, present petition is allowed. The Petitioner is directed to be released on bail during the trial to the satisfaction of the trial Court.