

**IN THE COURT OF SHRI ARUNVIR VASHISTA,
SESSIONS JUDGE, CHANDIGARH (UID NO.PB0050).**

Bail Application No.:2117 of 20.12.2022.
CNR No.:CHCH-01-008603-2022.
Decided on: 23.12.2022.

Ali Husain aged 19 years s/o Sh. Ejja Hussain, Village Srinagar, District Sahjanpur (U.P.) (presently confined in Model Jail, Burail, Chandigarh).

.....Applicant-
accused.

Versus

State of U.T. Chandigarh.

FIR No.:352 dated 26.07.2022.
U/s : 379, 411 of IPC
P.S. : Sector 17, Chandigarh.

Bail Application u/S 439 Cr.P.C.

Present : Sh. Gurdit Singh Saini, Advocate for the accused-applicant.
Sh. Manu Kukar, Public Prosecutor for State.

ORDER

Heard on the bail application filed by the applicant-accused for the grant of regular bail u/s 439 Cr.P.C.

2. It has been submitted and emphasized on behalf of the applicant/accused that he is totally innocent and had committed absolutely no offence of any kind. He has been in custody since 23.10.2022. No recovery is to be effected from the applicant-accused and no useful purpose would be served by keeping him behind the bar. On these assertions, a prayer has been made for grant of regular bail to the applicant/accused.

3. Above submissions have been opposed by learned Public Prosecutor for State who emphasized the serious and grave nature of

allegations and offence committed by the accused-applicant. If enlarged on bail, he might indulge again in such like offences. He has thus prayed that the applicant/accused may not be granted concession of bail.

4. Submissions and contentions from both the sides have been considered and examined on the matter. Applicant-accused has already been sent to judicial custody, where he has been so for the last about two months, meaning thereby his custody was not required for any purpose whatsoever. Moreover, nothing is to be recovered from the applicant-accused. The applicant-accused is a young boy and has to make his career as yet. Otherwise also his criminal liability/culpability, if any, is to be adjudged in the trial which is yet to begin and conclusion of trial was likely to take considerable time. No useful purpose was going to be served by detaining the applicant-accused behind bars for an indefinite period. The chances that he might abscond from law and proceedings and might indulge in influencing the witnesses are bleak that could also be got minimized by subjecting him to some kind of sound and heavy surety. Thus, applicant/accused is found to be entitled to the grant of concession of bail by this court upon exercising its special powers u/s 439 Cr.P.C. Accordingly, the bail application is allowed and the applicant/accused is ordered to be admitted to bail on his furnishing personal bond in the sum of Rs.40,000/- with one sound surety in the like amount to the satisfaction of learned Ilaqua/Duty Magistrate, subject to the following conditions :-

1. he shall appear in the court on each and every date of hearing;
2. he shall not tamper with the prosecution evidence;

3. he shall not leave India without prior permission of the court.

My observations made here-in-above while disposing of bail application shall not affect the merits of the case. Copy of the order be sent to the learned Ilaqua/Duty Magistrate immediately. File be consigned to the record room.

**Pronounced:
23.12.2022.**

**Arunvir Vashista,
Sessions Judge, Chandigarh.
UID No.:PB0050.**

Shiv Kumar

Present : Sh. Gurdit Singh Saini, Advocate for the accused-applicant.
Sh. Manu Kukar, Public Prosecutor for State.

Reply to the bail application filed. Arguments heard. Vide my
separate detailed order of even date, the bail application has been allowed.

Copy of the order be sent to learned Ilaqua/Duty Magistrate immediately.

File be consigned to record room.

**Pronounced:
23.12.2022.**

**Arunvir Vashista,
Sessions Judge, Chandigarh.
UID No.PB0050.**

Shiv Kumar