

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

CRM-M No. 17403 of 2016 (O&M)

Date of Decision: 26.05.2016

Sunny Talwar alias Sunny

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. G.B.S. Dhillon, Advocate
for the petitioner.

Mz. Rimplejeet Kaur, Assistant Advocate General, Punjab
for the respondent/State assisted by ASI Gurmail Singh.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 of Cr.P.C., is for grant of regular bail on behalf of the petitioner-accused-Sunny Talwar alias Sunny in case FIR No. 118, dated 30.11.2015, for offences punishable under Sections 382, 34 of the Indian Penal Code and subsequently added Section 397 of the Indian Penal Code, registered at Police Station Division No. 3, Ludhiana, District Ludhiana.

As per the version of complainant-Sita Ram Talwar, on 29.11.2015 at around 10.20 p.m., he and his brother Satish Kumar Talwar were waylaid by three unknown youngsters riding a motorcycle, and by throwing *red chilly powder* in their eyes a bag containing Rs. 2,80,000/- was snatched from the possession of Satish Kumar Talwar. They are also alleged to have inflicted injuries while fleeing away.

It is contended that the petitioner is the nephew of the injured- Satish Kumar Talwar and the complainant, and it is highly unbelievable that they could not recognize the petitioner and name him in the FIR, as none of the assailants were with muffled faces, thus, it is submitted a false case has been foisted on account of professional rivalry as both the parties are engaged in the business of *Hosiery*. It is further submitted that the petitioner is in custody since 18.12.2015; after completion of the investigation, challan stands presented and the evidence of fifteen cited prosecution witnesses is yet to commence.

Learned Stated Counsel, assisted by ASI Gurmail Singh is unable to refute the relationship of the petitioner-accused with the complainant party, custody period of the petitioner, as also the stage of trial.

Without commenting on the merits of the case, keeping in view the facts noticed above and custody period of the petitioner, no useful purpose would be served by keeping the petitioner-accused in custody since the trial is not likely to be concluded in near future; the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

May 26, 2016
'dk kamra'

(JASWANT SINGH)
JUDGE