

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

CRM-M No.30706 of 2017

Date of decision: 19th September, 2017

Neeraj

... Petitioner

Versus

Union Territory, Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Shiv Kumar Sharma, Advocate for the petitioner.
Mr. G.S. Chahal, APP UT Chandigarh
for the respondent/UT.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Neeraj in this second regular bail application filed under Section 439 Cr.P.C. in case FIR No.35 dated 27.01.2017 registered at Police Station Sector 31, Chandigarh under Sections 147/148/149/323/395/427/397/34 IPC, are that on 25.01.2017 petitioner along with his co-accused/non-applicants in all numbering 5/6 persons around 10.20 p.m. came on vehicles and attacked complainant Parkash Deep. Co-accused of the petitioner, Bunty and others have given injuries to the complainant and the role attributed to the petitioner is that he has given fist blows and while running away had taken away Rs.32,000/- from right pocket of the trousers worn by the complainant.

Contentions of the learned counsel for the petitioner are that the petitioner is behind bars for the last more than seven months and that a bare look at the FIR reflects that it was a business dispute between the parties and offence under Section 395 IPC is not made out.

Though on behalf of the UT, not much resistance has been offered by the learned APP, however, keeping in view the period of incarceration and that a debatable issue arises over the applicability of Section 395 IPC together with the fact that the investigations and trial is not likely to conclude in the near future, this Court is of the opinion that further detention of the petitioner in the present case is unwarranted. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Chandigarh.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

September 19, 2017
rps

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