

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

**Criminal Misc. No. M-17991 of 2018
Date of decision: 24.07.2018**

Amroo

..Petitioner

Versus

State of U.T. Chandigarh

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Gulshan Mehta, Advocate
for the petitioner.

Mr. Rajiv Vij, Addl. PP,
for the respondent -UT Chandigarh.

Daya Chaudhary, J. (Oral)

The present petition has been moved under Section 439 Cr.P.C. on behalf of petitioner-Amroo for grant of regular bail in case FIR No.176 dated 03.10.2014 registered under Sections 379 and 411 IPC at Police Station Sector-3, Chandigarh.

Learned counsel for the petitioner submits that the petitioner has been implicated in the case only on the basis of vague allegations and the statement made by complainant-Sanju is not trust worthy and allegations levelled in the FIR have no concern with the petitioner. Learned counsel further submits that the petitioner never entered into the shop of the tea vendor and had not stolen any item as alleged. Neither any complaint was made by the owner of the tea shop, namely, Ram Parkash, nor his statement was recorded. The statement of the complainant was recorded before the

trial Court and the same is contradictory. The complainant has not supported the case of the prosecution. The petitioner is in custody since 02.02.2018. Learned counsel also submits that earlier the petitioner was granted regular bail by the trial Court vide order dated 14.10.2014 and he also furnished the requisite bail/surety bonds. Thereafter, the petitioner was appearing regularly before the trial Court. The petitioner was informed that his co-accused has been acquitted of the charge and his presence is not required. Thereafter, the petitioner did not appear before the trial Court and due to his non-appearance, he was declared proclaimed offender on 13.06.2016. Learned counsel also submits that the absence of the petitioner was neither intentional nor willful. The petitioner was arrested by the Police on 02.02.2018 and was produced before the trial Court on 03.02.2018 and since then, the petitioner is in custody.

Learned counsel for UT Chandigarh has not disputed the submissions made by learned counsel for the petitioner regarding custody period as well as acquittal of co-accused.

Heard arguments of learned counsel for the petitioner as well as learned counsel for UT Chandigarh and have also perused the contents of the FIR and other documents available on the file.

Admittedly, co-accused of the petitioner has been acquitted of the charge. The allegations levelled against the petitioner as well as his co-accused are the same. The petitioner is in custody since 02.02.2018 and he has undertaken to appear before the trial Court on each and every date. The trial may take time to conclude. No purpose would be served by keeping the petitioner in custody.

Accordingly, in view of the facts as mentioned above, the present petition is allowed and the petitioner (Amroo) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

24.07.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No