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

**CRM-M-10749 of 2019**

**Date of decision: September 10, 2019**

Deepak Kumar

.....Petitioner

Versus

State of U.T., Chandigarh

.....Respondent

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

**Present:** Mr. S.P.S. Sidhu, Advocate for the petitioner.

Mr. D.S. Brar, A.P.P. U.T., Chandigarh.

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**MAHABIR SINGH SINDHU, J (Oral)**

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.26 dated 19.01.2019, under Sections 341, 397, 34 of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station South Sector 34, U.T., Chandigarh.

Custody certificate dated 31.08.2019 filed by learned State counsel, today in Court, is taken on record.

As per prosecution case, complainant-Ravi Kumar made a statement that he is working in "On Dot" Courier Company. On 19.01.2019, when he was returning back to home after his duty hours on bicycle and reached near Labour Chowk, Sector 34, Chandigarh, two boys stopped him. One of them gave a *danda* blow on his head, whereas, the other attacked him on his neck with sharp edged weapon.

Complainant's mobile phone was snatched and they also took out cash amounting to ₹200/- from his pocket.

Contends that petitioner is in custody since 19.01.2019 and now the case is pending before learned trial Court, on 11.09.2019. Also contends that out of total 14 prosecution witnesses, only 5 have been examined. Further contends that during investigation, only an amount of ₹200/- along with *danda* were recovered from the petitioner, but there is no injury caused by *danda* on head.

The above factual position is duly acknowledged by learned counsel for the respondent-U.T., Chandigarh, on instructions from Sub Inspector Vijay Kumar.

Heard both sides and perused the paper-book.

Since the petitioner is in custody since 19.01.2019 and the trial is going on smoothly, therefore, there is no likelihood of the petitioner misusing the concession of bail pending trial. Concededly, out of total 14 prosecution witnesses, only 5 have been examined, thus, the trial will take sufficient long time. Hence, further incarceration of the petitioner would not serve any purpose.

In view of the above, this petition is allowed. Petitioner is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

The petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

(MAHABIR SINGH SINDHU)  
JUDGE

September 10, 2019

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No