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

**CRM-M-30210 of 2019**

**Date of decision: July 23, 2019**

Sani Pratap @ Sunny Yadav

.....Petitioner

Versus

State of U.T., Chandigarh

.....Respondent

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

**Present:** Mr. Vishal Garg Narwana, Advocate for the petitioner.

Mr. Manish Jain, APP 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.80 dated 20.03.2019, under Sections 397, 395 of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Industrial Area, Chandigarh.

As per prosecution case, petitioner along with his co-accused were apprehended and two mobile phones, one toy pistol and two knives were recovered from their possession.

Custody certificate dated 22.07.2019 filed by learned counsel for the respondent-U.T., Chandigarh, today in Court, is taken on record.

Contentends that petitioner is in custody since 20.03.2019 and after investigation in the matter, report under Section 173 of Cr. P.C. was submitted and during investigation, only a toy pistol was recovered from him. Also contentends that charges have already been framed on 20.07.2019 and now the case is pending for prosecution evidence on 23.08.2019.

Further contends that out of total 20 prosecution witnesses, none has been examined.

The above factual position is duly acknowledged by learned counsel for the respondent-U.T., Chandigarh, on instructions from police official present in Court to assist him.

Heard both sides and perused the paper-book.

Since there is no other criminal case pending against the petitioner, charges have already been framed and during investigation, only toy pistol was recovered from his possession; therefore, his further incarceration would not serve any purpose. Thus, this Court deems it appropriate to release the petitioner on bail pending trial.

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**

**July 23, 2019**

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No