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

CRM-M-32424 of 2019

Date of decision: October 18, 2019

Rohan

.....Petitioner

Versus

State of U.T., Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sanjay Verma, Advocate for the petitioner.

Mr. Manish Jain, APP U.T., Chandigarh.

MAHABIR SINGH SINDHU, J

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 395, 397 of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Industrial Area, Chandigarh (U.T.).

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 17.10.2019 filed by learned counsel for the respondent-U.T., Chandigarh, today in Court, is taken on record.

Contends that petitioner is in custody since 21.03.2019 and allegations against the petitioner are similar to that of co-accused, namely Sani Pratap @ Sunny Yadav, who has been granted the concession of bail pending trial by this Court, vide order dated 23.07.2019. Also contends that there is no other case against him and now the trial is pending for

30.10.2019. Further contends that out of total 20 prosecution witnesses, only one 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 the petitioner is in custody since 21.03.2019, co-accused of the petitioner has already been granted concession of bail pending trial by this Court and out of total 20 prosecution witnesses, only one has been examined; thus, the trial will take sufficient long time. Concededly, there is no other case against the petitioner, therefore, his further incarceration 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

October 18, 2019

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No