

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(219)

CRM-M- No. 50123 of 2019
Date of decision: 03.03.2020

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...Petitioner

Versus

State of U.T., Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sunil K. Chaudhary, Advocate

Mr. Deepinder Brar, Addl. PP, U.T., Chandigarh.

...

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.321 dated 29.10.2018 under Sections 399, 402 IPC, registered at Police Station Sector – 11, U.T., Chandigarh.

The allegations are that on a secret information, the FIR was registered. According to the aforesaid secret information, 5 persons were making preparation to commit dacoity in an isolated place at 5.00 p.m. At 5.15 p.m., ASI Sumer Singh was sent to the spot. The aforesaid Police Officer came back at 5.30 p.m. and confirmed that five persons were making preparation to loot a petrol pump on the outer place of Sector 56, Chandigarh. The aforesaid Police Officer over-heard the conversation. The raid was conducted, four accused were apprehended at the spot and one person succeeded in fleeing

from the spot. Petitioner is found to be one of the four accused, who have been arrested at the spot.

Learned State counsel on instructions, from SI Raj Singh, states that the petitioner is having antecedents behaviour of criminal activities, as he was involved in number of cases in the past.

Learned counsel for the petitioner states that at that time petitioner was juvenile. All the aforesaid cases were lodged against him when he was juvenile and his juvenility was not determined at any point of time. In all the previous cases, either the petitioner has been acquitted or has undergone the period for which he was sentenced. In few cases, he was admonished by the Principal Magistrate, Juvenile Justice Board, Chandigarh.

As on date, there is no such case pending against him.

Learned counsel for the petitioner further states that after attaining majority, he is planing to marry and there is no case registered against the petitioner, except present one in which allegations are of making preparation to commit the alleged dacoity. The recovery allegedly effected from the petitioner is not such, which would facilitate the commission of offence to the hilt that too in the Chandigarh.

In view of the facts and circumstances of the case, the complicity of the petitioner would remain debatable. The petitioner is in judicial custody since 29.10.2018. Challan has already been presented and charges have been framed. Out of

12 prosecution witnesses, 5 witnesses have been examined.

The trial of the case may take some time in its culmination.

At this stage, without forming any opinion on the merits of the case, I deem it appropriate to release the petitioner on regular bail.

In view of above, the present petition is allowed and the petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

Nothing expressed hereinabove shall be construed to be an opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

03.03.2020

Pardeep

Whether speaking/reasoned Yes/No

Whether reportable Yes/No