

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

CRM-M-23534-2021 (O&M)

Date of decision: 29.06.2021

Vikas Kumar

...Petitioner

Versus

State of U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vicky Sharma, Advocate for the petitioner.

Mr. C.S. Bakshi, APP UT, Chandigarh.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 17 dated 09.02.2021, registered under Sections 379-A and 34 IPC, at Police Station Sector-11, District Chandigarh.

Learned counsel for the petitioner states that the petitioner has falsely been implicated in the present case. The petitioner was not arrested at the spot. Though, the alleged recovery of mobile phone of the complainant has been effected from the petitioner, yet he is not a habitual offender. There is no other case against him. The Challan stands presented. The petitioner has been in custody since 10.02.2021.

Copy of custody certificate by way of affidavit dated 29.06.2021

of the Deputy Superintendent, Grade-II, Model Jail, Chandigarh, submitted by the learned APP, UT Chandigarh, through email, is taken on record.

While opposing the prayer for bail, learned State counsel submits that mobile phone of the complainant has been recovered from the petitioner, which clearly establishes the complicity of the petitioner in the crime committed and, therefore, he is not entitled to the grant of regular bail, as the offence is triable by the Court of Session. However, he does not dispute the custody period of the petitioner and there is no other case against the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 10.02.2021. The trial will take time to conclude, especially due to prevailing situation of Covid-19. Thus, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

29.06.2021

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No