

CRM-M-32472-2021 (O&M)

THROUGH VIDEO CONFERENCE

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

**CRM-M-32472-2021 (O&M).
Decided on: August 20, 2021.**

Deempi @ Dimpi

.. Petitioner

VERSUS

State of U.T. Chandigarh

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Abhishek Chha, Advocate,
for the petitioner.**

Mr.Rajeev Anand, APP, U.T. Chandigarh.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.29 dated 19.3.2020, under Sections 392, 379-B and 411/34 IPC, registered at Police Station Sarangpur, Chandigarh.

Learned counsel for the petitioner has submitted that in the present case the petitioner has been falsely implicated and in fact, he was not even named in the FIR and his name has cropped up on the basis of disclosure statement made by co-accused namely Lalit who was allegedly caught on the spot. He has submitted that disclosure statement is a weak piece of evidence and there is nothing on the record to connect the

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petitioner with the crime apart from the disclosure statement. He has further submitted that no recovery has been effected from the petitioner in the present case and he is in custody since 04.02.2021. He has submitted that the investigation of the case is complete and the challan under Section 173 Cr.P.C. has already been presented on 03.04.2021 before the competent Court. He has submitted that the trial of the case would take long time and therefore, the petitioner may be considered for the grant of regular bail.

On the other hand, learned APP for U.T. Chandigarh, has submitted that the petitioner is also involved in one another case bearing FIR No.166 dated 21.12.2019 under Sections 397 and 411/34 IPC. He has further submitted that although the investigation of the present case is already complete but there is likelihood that the petitioner may repeat the offence and therefore, he has opposed the grant of regular bail to the petitioner.

I have heard the learned counsel for the parties.

On a query being put to the learned State counsel as to whether there is any other material available on record to substantiate as to how the State has come to the conclusion that there is likelihood that the petitioner may repeat the offence, he has not been able to justify the same. He has also not disputed that the investigation of the case is already complete and recovery was not effected from the petitioner. The person who was caught on the spot was Lalit and the name of the petitioner has come up in the FIR on the basis of disclosure statement of co-accused. The conclusion of the trial would take some time and the investigation of the case is already complete and therefore, this Court deems it fit and proper to

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grant bail to the petitioner.

Therefore, considering the totality of circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner. Accordingly, the present petition is allowed. It is ordered that the petitioner shall be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

August 20, 2021.	(JASGURPREET SINGH PURI)
raj arora	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No