

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

CRM-M-38681 of 2021(O&M)

Date of Decision:-17.11.2021

Amit Kumar.

.....Petitioner.

Versus

State of U.T., Chandigarh.

.....Respondent.

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mrs. Naveen Malik, Advocate for the Petitioner.

Mr. Rajiv Vij, APP, U.T., Chandigarh.

MANJARI NEHRU KAUL, J.(ORAL)

The instant second petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.04, dated 08.01.2021, under Sections 341, 392, 397, 34 of IPC r/w Section 120-B IPC registered at Police Station Sector 11, Chandigarh.

Learned Counsel for the petitioner has submitted that subsequent to the withdrawal of the previous petition on 21.05.2021 charges stand framed by the trial Court. Learned Counsel has submitted that the petitioner was not present at the time of alleged occurrence and had been nominated as an accused in the case in hand only on the basis of a disclosure statement allegedly made by the co-accused Varun, who was one of the four persons who waylaid the complainant and robbed him of Rs.8000/-. Learned Counsel has submitted that the evidentiary value of such disclosure statement is admittedly of a weak nature. She has further submitted that the co-accused Sanjay and Jasbir who allegedly waylaid the complainant and robbed him of Rs.8000/- already stood released on regular bail by the trial Court. It has been prayed that since the petitioner has been

in custody since 08.01.2021, his further incarceration would not serve any purpose.

Per contra, learned State Counsel while opposing the prayer and submissions made by learned Counsel for the petitioner, on instructions from SI Malkit Singh, P.S. Sector 11, Chandigarh has however not been able to controvert the factum of petitioner's name being nominated as an accused on the basis of a disclosure statement allegedly made by the co-accused. He has however submitted that the petitioner, who was a former employee of the complainant, was the brain behind the crime. It has been submitted that the recovery of a wallet and visiting card of the complainant was effected from the petitioner during investigation. He has not been able to controvert that the co-accused who had allegedly waylaid the complainant had been extended the concession of regular bail.

Heard.

In the facts and circumstances of the case as enumerated hereinabove, I deem it a fit case for grant of concession of bail to the petitioner as the trial is not likely to be concluded in near future.

The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

November 17, 2021

Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>