

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

CRM-M-350-2021(O&M)

Date of decision : 11.01.2021

Satish Kumar

... Petitioner(s)

Versus

State of U.T. Chandigarh

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. O.P. Kamboj, Advocate for the petitioner.

Mr. A.M. Punchhi, PP for UT Chandigarh.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.179 dated 01.10.2020 under Sections 379-A, 356, 34 of the Indian Penal Code, 1860 (Section 411 IPC added later on), registered at Police Station Mauli Jagran, U.T. Chandigarh.

The allegations in the present case are that the complainant was working as a driver for the last 8 years with IVC Company which is a transport carrier company. The complainant, after getting truck No.MH-15-E-4982 loaded with cars, came from District Jhajjar to Chandigarh at 7.00 am on 01.10.2020. He parked the vehicle at Part-2 Mauli Jagran, UT Chandigarh for unloading the cars. In the meantime, 3 boys on a motor cycle came near him and asked him to hand over whatever valuable articles were with him and, when he refused to do so, the above-said three boys

caught hold of him and one boy took out the purse from his pocket and took an amount of ₹3,000/- and driving license and photocopy of Aadhaar Card and other documents from the purse. All three boys ran away from the spot. During this period, due to manhandling, the complainant suffered injuries.

Learned counsel for the petitioner would contend that similarly situated co-accused have already been granted regular bail by the Court below. However, the petition filed by the petitioner was dismissed only on the ground that the offence alleged against the petitioner is of serious nature.

Mr. A.M. Punchhi, PP, UT Chandigarh, on instructions from ASI Baljeet Singh, is not in a position to deny that the other similarly situated co-accused have already been granted regular bail by the Court below.

In view of the above and considering the fact that the similarly situated co-accused have already been granted bail by the Magistrate and the trial is likely to take some time to conclude especially in view of the prevailing conditions on account of COVID-19 pandemic, no useful purpose would be served by keeping the petitioner behind the bars any further. Without commenting upon the merits of the case, I deem it fit to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

11.01.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO