

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-1124-2022 (O&M)
Date of Decision:- 4.4.2022

Vishal @ Sunny

.... Petitioner

Versus

State of U.T. Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashish Pal Kaushal, Advocate, for the petitioner.

Ms. Simsi Dhir, AAP, U.T. Chandigarh,
assisted by ASI Mahavir.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.86, dated 20.5.2021, Police Station South, Sector 34, Chandigarh, under Sections 380 and 328 IPC.
2. The FIR was lodged at the instance of Rimpaljit Kaur wherein it is alleged that on 15.5.2021 at around 9.45 pm, a boy namely Vishal whom she knew through Facebook came to her house and represented that he was in dire need of money and also said that he was hungry. When the complainant went to kitchen to fetch something to eat for Vishal and returned after about 10/15 minutes,

she found that the boy as well as several of her articles including mobile phone, laptop, gold bangles etc. were missing.

3. Learned counsel for the petitioner submitted that he has falsely been implicated in the present case and that it is a case where the petitioner as well as the complainant were known to each other and were having some some kind of affair, but subsequently when the things turned sour, the complainant got him falsely implicated. Learned counsel has further submitted that the petitioner has a clean record and since he has behind been bars for the last more than 10 months, he deserves the concession of bail.
4. On the other hand, learned State counsel upon instructions from ASI Mahavir, has stated that as many as 86 articles were recovered from the petitioner, his complicity is clearly evident. Learned State counsel has further submitted that the petitioner does not have a permanent abode and as such, in case granted bail he may flee from justice. It has been informed that the petitioner is not involved in any other case. It has been informed that none out of the cited 13 PWs has been examined so far.
5. I have considered rival submissions addressed before this Court.
6. Without commenting anything as regards the merits of the case particularly as regards the veracity of the allegations, but while noticing that the petitioner has been behind bars for a substantial period of more than 10 months and otherwise has a clean record, the petition is accepted and the petitioner is ordered to be released on bail subject to his furnishing two sufficient and adequate surety

bonds to the satisfaction of learned trial Court/Chief Judicial
Magistrate/Duty Magistrate concerned.

4.4.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No