

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-6774-2022

DATE OF DECISION: MAY 10, 2022

VISHAL @ CHUNDI

...PETITIONER

VERSUS

STATE OF U.T., CHANDIGARH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. N.K. BEDI, ADVOCATE FOR THE PETITIONER.
MR. SUMIT JAIN, ADDL.P.P., U.T. CHANDIGARH.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.156 dated 17.6.2021, under Section 380, 457, 411 IPC, Police Station Sector 39, U.T., Chandigarh, who is in custody since his arrest on 17.6.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Chandigarh in the order dated 20.12.2021, are as under:-

“Present FIR has been lodged on the statement of Hori Lal with averments that he is residing at first floor of House No.2848 Sector 56, Chandigarh. On 14.6.2021 at about 6.30 PM after locking house he went to his room. On 15.6.2021 at about 3.30 AM he saw lock of his room was lying broken. On checking he found one LED 15 Inch Black colour, G nter with Mouse, three pot with Artificial flowers and his Adhar Card missing. Some unknown person has stolen the same after breaking the lock of his room.”

Learned counsel for the petitioner has argued that investigation

of the case is over and challan has been presented on 14.8.2021. He further submits that in total there are 11 prosecution witnesses, however, till date only 4 prosecution witnesses have been examined. He prays for bail.

On the other hand, learned State counsel assisted by SI Mandeep Singh has opposed the aforesaid prayer on the ground that the petitioner is a habitual offender. He has produced the status report dated 22.2.2022, by way of affidavit of Inspector Juldan Singh, SHO, Police Station Sector 39, U.T., Chandigarh, alongwith custody certificate (Annexure R-1), which shows that the petitioner is involved in 7 other cases of similar nature, however, he is on bail in 6 cases.

Considering the above background, the custody of the petitioner, and the fact that the offences are triable by Magistrate, the further detention of the petitioner may not be necessary for any useful purpose, as the trial would take considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

May 10, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No