

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

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CRM-M-11076-2022(O&M)
Date of Decision : May 06, 2022

DALIP KUMAR

.....Petitioner

VERSUS

STATE OF UT CHANDIGARH

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Arav Gupta, Advocate and
Mrs. Priya Aggarwal, Advocate
for the petitioner.

Mr. Y.S.Rathore, APP, UT, Chandigarh.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.159 dated 16.11.2021 under Sections 379A, 411 IPC, registered at Police Station West, Sector 11, Chandigarh.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 21.11.2021 and the investigation of the case has been completed and the challan has been presented before the competent Court. He submitted that it is a case where the petitioner has been falsely implicated on the basis of statement made by co-accused, namely, Nirmal Singh and as per the allegation Nirmal Singh snatched the articles from the complainant and the same were handed over to the petitioner. He further submitted that at the time of the framing of charges the petitioner has not been charged under

Section 379A IPC. He submitted that the other co-accused, namely, Nirmal Singh has been granted bail by learned trial Court.

On the other hand, the learned State counsel has submitted on instructions from ASI Rajdeep that it is correct that the petitioner is in custody from 21.11.2021 and it is also correct that the other co-accused who had snatched the articles from the complainant has been granted bail by the learned trial Court. He further submitted that it is also correct that the petitioner has not been charged under Section 379A IPC.

I have heard the learned counsels for the parties.

The petitioner is in custody from 21.11.2021 and the investigation of the case has been completed and thereafter challan has been presented before the competent Court. The other co-accused, namely, Nirmal Singh against whom the allegations are that he had snatched the articles from the complainant has been granted bail by the learned trial Court and the allegation against the petitioner is that he was recipient of the articles. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, considering the totality of the circumstances of the present case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

May 06, 2022
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No