

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

CRM-M-10489 of 2022

DECIDED ON: 16th March, 2022

Amir Khan

.....PETITIONER

VERSUS

State of UT Chandigarh

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Danishwar Ali, Advocate for petitioner.

Mr. Ankur Bali, APP for UT Chandigarh.

AVNEESH JHINGAN, J (ORAL)

The petitioner is seeking regular bail in case of FIR No. 170 dated 22.10.2021, under Sections 379, 411 IPC, registered at Police Station Industrial Area, Chandigarh.

First petition was withdrawn by learned counsel for petitioner on 2.2.2022, realizing that the contentions are not finding favour with the Court.

Brief facts are that FIR was got registered by Rohit Kumar. As per the contents of the FIR, the complainant had parked his Activa scooter outside the Gym. From the *Diggi* of the vehicle, Rs. 15,000/- cash, mobile phone and documents were stolen. Petitioner (Amir Khan) was identified from the CCTV footage installed outside the parking.

Learned counsel for the petitioner submits that the petitioner is in custody since 8.11.2021 and the evidentiary value of the material collected against the petitioner can be determined by the trial Court, the petitioner be granted bail.

Mr. Ankur Bali, APP for UT Chandigarh opposes the prayer for bail. Submission is that the petitioner is involved in one more FIR, having similar allegations. Further there is a CCTV footage available supporting the case of the prosecution. Contention is that trial is moving at decent pace and *in spite of* COVID-19 restriction, the examination-in-chief of the complainant is complete and his cross-examination is pending.

Without commenting upon the merits of the case, considering that there is no delay attributed to the prosecution in concluding the trial, the custody itself cannot be a ground for grant of bail. There are specific allegations against the petitioner and complainant identified petitioner from CCTV footage.

No case is made out for grant of bail.

Dismissed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

16th March, 2022
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>