

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

223-2 cases

Date of Decision:25.07.2022

CRM-M-22985 of 2022

Chunnu Kumar

---Petitioner

versus

U.T.Chandigarh

---Respondent

CRM-M-24090 of 2022

Raj Kamal @ Churva

---Petitioner

versus

U.T.Chandigarh

---Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Rahul Bhargava Advocate
for the petitioner in CRM-M- 22985 of 2022

Mr. Deepak Kumar, Advocate
for the petitioner in CRM-M- 24090 of 2022

Mr. P.S.Paul, Addl. PP for UT Chandigarh

VINOD S. BHARDWAJ, J. (ORAL)

By this order, two petitions filed under Section 439 of the Code of Criminal Procedure, 1973 bearing Nos. CRM-M- 22985 of 2022 titled as “Chunnu Kumar vs. U.T.Chandigarh” and CRM-M- 24090 of 2022 titled as “Raj Kamal @ Churva vs. U.T.Chandigarh” are being disposed of as prayer in both the petitions is for grant of regular bail to the petitioners in case FIR No. 14 dated 02.03.2022 under Sections 379-A and 411 of the Indian Penal Code, 1860 registered at Police Station Sector-49, Chandigarh.

As alleged by the prosecution, FIR in the present case was

registered on the complaint of complainant Saurabh Aggarwal. Allegedly, on 02.03.2022, at about 3.00 AM, he alighted down from bus at the light point of Sector 44/45/50/51 and proceeded towards the dividing road of Sector 50/51 on foot. Three boys came from his backside on a motorcycle and snatched his mobile phone with Aadhar card and fled. During the course of investigation, accused Chunnu Kumar (petitioner in Crl. Misc. No. CRM-M- 22985 of 2022) along with other accused was arrested and snatched mobile phone of complainant was recovered from his possession while Aadhar Card of complainant was recovered from the accused Raj Kamal @ Churva in CRM-M-24090 of 2022.

Learned counsels appearing for the petitioners contend that the petitioners do not have any criminal antecedents and are aged 21 years and 20 years respectively. They further contend that the investigation in the case is complete and that the recovery has already been effected. The petitioners have been in judicial custody since 03.03.2022 and have already undergone actual custody of more than four months. They further contend that no evidence has been recorded so far and that the petitioners' further custodial retention is not likely to serve any interest of justice.

Learned Addl. PP for U.T.Chandigarh submits that the recovery of the snatched items has been effected which shows the participation of the petitioners in commission of offence. He, however, could not controvert the fact that the petitioners are not involved in any other case and that investigation of the case is already complete.

I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

Taking into consideration the circumstances noticed above, the

age of the petitioners, their clean antecedent, the period of custody and also the stage of trial, the instant petitions are allowed and the petitioners are ordered to be released on bail on their furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioners shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

25.07.2022

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No