

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

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**CRM-M-25457-2022 (O&M)**  
**Date of Decision: 08.07.2022**

**MURSALIN**

**... Petitioner**

**Versus**

**U.T. CHANDIGARH**

**... Respondent**

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

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Present: Mr. Sukhcharan Singh Gill, Advocate  
for the petitioner.

Mr. Kr. Yashwant Singh Rathore, Addl. P.P. for U.T. Chandigarh  
assisted by Ms. Sudha Singh, Advocate.

Mr. Kunal Sharma, Advocate for the complainant.

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**VINOD S. BHARDWAJ, J. (Oral)**

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case bearing FIR No.0040 dated 24.02.2022 under Section 379-A read with Section 34 of the Indian Penal Code, 1860 registered at Police Station Central Sector 17, Chandigarh, charge sheeted under Section 379-B and 411 read with Section 34 of the IPC.

Learned counsel for the petitioner contends that the FIR in the present case has been registered on the statement of one Bikram son of Neem Bahadue, as per which the complainant was going from Mani Manjra to his house on 22.02.2022 and when he reached a little ahead of Cricket Stadium Chowk on Sector 22/23 dividing road, two boys came from behind and asked him the way to Burail, Sector 45, Chandigarh. The complainant was in the

proceeds of guiding them, when one of the those boys caught hold of the complainant and started giving beatings and also took away his mobile phone make Techo alongwith alongwith cover containing ATM Card and Aadhar Card from the pocket of his lower/trouser. The complainant noted down the registration number of their Scooter as HP-12K-0564. The present FIR has been registered on the aforesaid statement resulting in nomination of the petitioner as an accused alongwith his co-accused namely Afshar Quereshi. Learned counsel for the petitioner submits that the petitioner is in custody since 24.02.2022 and that his co-accused Afshar Quereshi, from whom the Scooter in question was recovered, has already been granted the concession of regular bail vide order dated 06.05.2022 passed by the Additional Sessions Judge, Chandigarh. He contends that the case of the petitioner shall be at par with that of the above mentioned co-accused.

Learned counsel appearing on behalf of U.T., Chandigarh does not dispute the above factual position, however, he submits that the petitioner alongwith the co-accused were involved in the commission of the aforesaid offence of snatching and that the charges have already been framed in the present case.

Mr. Kunal Sharma, Advocate appears on behalf of the complainant and contends that he has no objection to the bail being granted to the petitioner.

Taking into consideration the facts and circumstances mentioned above including the period of custody already undergone by the petitioner, his clean antecedents, non-involvement of the petitioner in any other case as also the fact that similarly placed co-accused has already been granted the

concession of regular bail vide order dated 06.05.2022 passed by the Additional Sessions Judge, Chandigarh, I deem it appropriate to allow the instant petition.

Accordingly, the present petition is allowed and the petitioner is admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

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

The observations 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.

Petition stands allowed accordingly.

**(VINOD S. BHARDWAJ)**  
**JUDGE**

**08.07.2022**  
*rajender*

*Whether speaking/reasoned* : Yes/No

*Whether reportable* : Yes/No