

233 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26499-2022

Date of Decision: 4th July, 2022

MANU @ MONU

... Petitioner

Versus

STATE OF UT CHANDIGARH

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Harminder Singh, Advocate for the petitioner.
Ms. Simsi Dhir Malhotra, Addl. Public Prosecutor
for U.T., Chandigarh.

AVNEESH JHINGAN , J.(Oral)

1. The prayer in this petition is for grant of regular bail in case of FIR No. 183, dated 21st September, 2020, under Section 379-A read with Section 34 IPC, registered at Police Station Sector 36, Chandigarh.
2. Learned counsel for the petitioner claims parity with the co-accused Rajeev @ Roki @ Rocky who was granted bail by this Court on 12th May, 2022 by passing the following order:-

“Petitioner is seeking regular bail in case of FIR No. 183 dated 21.9.2020, under Sections 379-A, 34 IPC, registered at Police Station Sector 36, Chandigarh.

As per the allegations on 20.9.2020, one mobile along with charger and a purse containing Rs.1600/- was snatched from complainant by two riders of the motor cycle. The petitioner was nominated during investigation of FIR No. 189 dated 20.9.2020 registered at Police Station Sector 34, Chandigarh. The mobile charger recovered from petitioner in FIR No. 189 was stated to be a snatched charger in case of present FIR.

Learned counsel for the petitioner submits that the petitioner is in custody since 21.9.2020, investigation is complete and no further recovery is to be made. The

contention is that the petitioner was nominated in this FIR on the basis of confessional statement.

Learned counsel for UT vehemently opposes the prayer. She submits that the petitioner was an accused in FIR No. 189, during investigation of that case the involvement of the petitioner in snatching incident of present FIR was revealed. She on instructions submits that the challan has been presented.

Without commenting upon the merits of the case or the contention raised with regard to mobile charger being in police MalKhanna, considering the custody period of accused and that conclusion of trial is likely to take time, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

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

Since the main case has been decided, the pending application, if any is rendered infructuous.”

3. Learned counsel for the petitioner further submits that petitioner is in custody since 18th November, 2020.

4. Learned counsel for U.T., Chandigarh opposes the prayer for grant of regular bail but is not in a position to distinguish the case of the petitioner vis-a-vis the co-accused so far as grant of bail is concerned.

5. Without commenting upon the merits of the case, petitioner is granted bail on the basis of parity on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

6. The petition is allowed.

7. It is clarified that the observations made hereinabove shall not

be construed as an expression of opinion on the merits of the case.

8. Since the main case has been decided, the pending application,
if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

4th July, 2022
Parveen Sharma

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No