

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

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CRM-M No.32737 of 2022 (O&M)
Date of Decision: 08.09.2022

Sanjiv Kumar and another

...Petitioners

Versus

State of Union Territory, Chandigarh

...Respondent

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Mr. Ashwani Talwar, Advocate
for the petitioners.

Mr. Shashank Bhandari, Additional Public Prosecutor,
UT Chandigarh, for the respondent.

Mr. G.S. Kaura, Advocate
for the complainant.

MEENAKSHI I. MEHTA, J. (Oral)

CRM No.29747 of 2022

At the very outset, learned counsel for the applicants-petitioners
seeks permission to withdraw the instant application.

Learned UT counsel (assisted by learned counsel for the
complainant) has no objection for the same.

Resultantly, the application in hand stands dismissed for having
been withdrawn.

CRM-M No.32737 of 2022

Both the petitioners herein seek the relief of regular bail in the
criminal case arisen out of the FIR bearing No.65 dated 13.06.2022 registered
at Police Station North, Chandigarh, under Sections 341, 380, 454, 411 read
with Section 34 IPC.

2. Bereft of unnecessary details, the allegations, as levelled by informant Jaswinder Singh @ Jassi in the subject FIR, are that he had been residing in House No.593, Sector-10-D, Chandigarh, as a tenant for the last about 9-10 years. On 13.06.2022, when he came to his house to have lunch, he found that both the petitioners and their co-accused named Rajni and Kesar Khan, along-with some other unknown persons, had entered into his house by breaking open the lock of the same and were committing the theft of household articles. He called the police but in the meantime, the above-said miscreants loaded some of the articles in a vehicle and fled away from the spot.

3. Affidavit of the Deputy Superintendent of Police, Sub Division Central, UT Chandigarh, along-with Annexures R-1 to R-3 and the custody-certificates of both the petitioners, has been submitted in the Court today and these documents are taken on the record.

4. I have heard learned counsel for the petitioners as well as learned State counsel (assisted by learned counsel for the complainant) in the present petition and have also perused the file carefully.

5. Learned counsel for the petitioners contends that petitioner Sanjiv Kumar is behind the bars since 13.06.2022 and petitioner Rajiv Kumar is in custody since 19.06.2022 in this case and the Challan has already been presented before the competent Court and moreover, the co-accused of the petitioners namely Rajni and Narender, have already been granted the relief of regular bail by learned Additional Sessions Judge, Chandigarh vide the order dated 02.09.2022 and in these circumstances, the petitioners deserve the relief as prayed for in the present petition.

6. Learned UT counsel does not dispute the afore-referred factual position.

7. Keeping in view the above-discussed facts and circumstances as well as the fact that the trial of the case is likely to take sufficient time to conclude and without commenting or expressing any opinion on the merits of the case, the petitioners named Sanjiv Kumar and Rajiv Kumar are ordered to be released on regular bail subject to their furnishing the requisite personal and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. The petition in hand stands allowed accordingly.

08.09.2022
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*