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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39236-2021 (O&M)
Date of Decision:09.03.2022

Mohd. Usman

.. Petitioner

Vs.

State of U.T. Chandigarh

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Abhishek Chha, Advocate for the petitioner.

Mr. Abhinav Gupta, APP, U.T. Chandigarh.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.215 dated 19.11.2020 registered under Section 379-A IPC (Section 411 IPC added later on) at Police Station Sector-36, Chandigarh. The petitioner is in custody since his arrest on 27.03.2021.

The FIR was registered on the statement of Chander Kesh Verma and the allegations as noticed by the Id. Addl. Sessions Judge, Chandigarh in the order dated 18.08.2021 are as under:

“As alleged by the prosecution, FIR in the present case was registered on the statement of complainant Chander Kesh Verma. Allegedly, on 17.11.2020, he was returning to his home from Sector 53, Chandigarh. When he reached near Sector 52/53 dividing road, in the meantime two boys approached him and snatched his mobile phone make Vivo and fled from the spot. During the course of investigation, accused Usman (present applicant) and Ravi Kumar were arrested on 27.03.2021 and mobile phone was recovered from the possession of Ravi on the basis of his disclosure statement. The mobile phone was snatched by both Ravi and Usman (present

applicant) who was given Rs.1000/- by Ravi in lieu of mobile phone.”

Learned counsel for the petitioner has submitted that the similarly situated co-accused of the petitioner, namely, Ravi Kumar has already been extended the concession of regular bail by this Court vide order dated 26.07.2021. According to him, the charges were framed on 06.08.2021 and out of total ten prosecution witnesses, only complainant and Investigating Officer remain to be examined, therefore, the petitioner be also released on regular bail during the pendency of the trial.

Learned counsel for U.T. Chandigarh assisted by ASI Rajni Devi has opposed the prayer, but does not dispute the fact that the co-accused of the petitioner has already been released on regular bail. He has produced the custody certificate of the petitioner by way of affidavit of Amandeep Singh, CPC, Addl. Superintendent, Model Jail, Chandigarh, which indicates that he is involved in two more cases. He submits that out of total ten prosecution witnesses, five have been given up and three have been examined and only complainant and Investigating Officer remain to be examined.

After hearing the learned counsel for the parties, considering the custodial period of the petitioner and the fact that the co-accused of the petitioner has been released on regular bail, this Court is of the opinion that further detention of the petitioner behind the bars may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds

The petition is allowed.

09.03.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No