

(221) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37462-2022
Date of Decision: 30.08.2022

ASHWANI KUMAR

... Petitioner

Versus

STATE OF U.T., CHANDIGARH.

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Naveen Upadhyay, Advocate
for the petitioner.

Mr. Shashank Bhandari, APP, U.T., Chandigarh.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.56, dated 26.05.2022 (Annexure P-1) registered under Sections 379-A, 356 and 411 IPC with Police Station West Sector-11, Chandigarh.

2. The brief facts of the case are that the statement of Mandeep Kumar son of Ramjeet Yadav was recorded to the effect that he was working with Zomato. On 25.05.2022, after getting the order of food from Lapinoz from Sector 38, Chandigarh, he was going towards Hotel Park View, Sector 24, Chandigarh, when two persons with short hair came on a motorcycle and the person on the rear seat snatched his mobile phone and sped away.

3. The learned counsel for the petitioner *inter alia* submits that the petitioner has not been named in the FIR and has been falsely implicated in the present case. No recovery has been effected from him and the prosecution case is unbelievable. The investigation stands completed and as many as 14

witnesses have been cited in the list of witnesses and since none have been examined so far, the trial is not likely to be concluded in the near future. In such a situation, the further incarceration of the petitioner is not required, moreso, when he has no criminal antecedents.

4. On the other hand, the learned counsel for U.T., Chandigarh contends that the petitioner along with his co-accused have committed a grave offence. Such kind of offences of snatching are on the rise and therefore, the petitioner does not deserves the concession of regular bail.

5. I have heard the learned counsel for both the parties at length.

6. Admittedly, the petitioner has been in custody since 26.05.2022. The investigation stands completed and none of the 14 prosecution witnesses have been examined so far. The petitioner is a first-time offender and therefore, has clean antecedents. The trial of the present case is not likely to be concluded in the near future. The further incarceration of the petitioner is not required, moreso, when his co-accused Jatin Kumar has been granted bail by this Court vide order dated 10.08.2022 passed by CRM-M-34574-2022.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Ashwani Kumar son of Ram Sarup is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

30.08.2022

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No