

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

CRM-M-42450-2021

Date of decision: 02.03.2022

SEEMA

....Petitioner

Versus

STATE OF U.T. CHANDIGARH

...Respondent

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

Present:- Mr. Amit Bhanot, Advocate
for the petitioner.

Mrs. Simsi Dhir Malhotra, APP UT, Chandigarh.

VINOD S. BHARDWAJ, J.(Oral)

The instant petition is for seeking concession of regular bail in case FIR No. 109 dated 13.07.2021 offence under Sections 380, 457 and 411 IPC registered at Police Station Central Sector 17, U.T. Chandigarh.

Learned counsel for the petitioner submits that even though FIR in question was registered for offence under Sections 380, 457 and 411 IPC, however, charge against the petitioner has only been framed under Section 411 IPC. It is thus contended that the petitioner was not involved in the offence of committing theft. Apart, therefrom, Janki-the co-accused of the petitioner had already been granted concession of regular bail. The petitioner is stated to be in custody since 29.07.2021 and that only 03 witnesses have so far been examined by the trial Court.

Mrs. Simsi Dhir Malhotra, APP UT, Chandigarh, opposes the grant of bail to the petitioner on the ground that there are other cases

registered against the petitioner. She has furnished a list of nearly 15 matters, it is further contended that a total of 03 witnesses have been examined and 02 have give up. Hence, only 08 witnesses remain to be examined in the present case. She, however, could not dispute that out of the list of 15 cases, the petitioner stands acquitted in 03 cases and has already undergone his sentence in as many as 05 cases. It is also not denied by the learned Additional Public prosecutor that the petitioner has been in custody since 29.07.2021 and the co-accused of the petitioner had already granted concession of regular bail in August, 2021.

I have heard learned counsel for the parties and upon considering the totality of the circumstances viz. the period of custody, the role of petitioner, the stage of case and also the fact that it is a Magisterial trial against the petitioner and the petitioner has already remained in custody for a period of more than 05 months, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

The instant petition is allowed and the petitioner is ordered to be released on bail on her furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

Disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

March 02, 2022
Vishal sharma

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