

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

215

CRM-M-39770-2022

Date of Decision: 07.09.2022

Rahul @ Voda

... Petitioner

VS.

State of UT Chandigarh

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. SK Pandey, Advocate for the petitioner

Mr. Kuldeep Tewari, Addl. PP, UT Chandigarh

Sandeep Moudgil, J. (Oral)

(1) The petitioner has filed petition under Section 439 CrPC seeking regular bail in case FIR No.407 dated 19.11.2018 under Sections 392/34 IPC (later on charge-sheeted under Sections 394/34/411 IPC) registered at Police Station Sector 36, Chandigarh (annexure P1).

(2) Notice of motion.

(3) On the asking of the Court, Mr. Kuldeep Tewari, Advocate accepts notice on behalf of the respondent.

(4) The petitioner claims parity with other co-accused namely, Ricky @ Chotu who stands acquitted vide judgment dated 24.05.2022. It is not in dispute that the petitioner was declared PO and is evading the process of law and the trial remained stalled but under compelling circumstances, proceeded against the other co-accused who got the benefit of acquittal merely on the ground that the complainant could not identify the said accused.

(5) On the other hand, State counsel submits that the petitioner is not at par with the other co-accused who has been acquitted and as he was

declared PO and has also been involved in various other FIRs as reflected from the custody certificate dated 07.09.2022 as produced in Court today, which is taken on record. A perusal of the said custody certificate further reveals that the petitioner has undergone only 3 months 15 days in judicial custody so far.

- (6) No ground for grant of concession of regular bail is made out.
- (7) Dismissed.

07.09.2022
V.Vishal

(Sandeep Moudgil)
Judge

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |