

**THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-44593-2021 (O&M)

Date of decision: 31.01.2022

Ajay @ Babu Ganja

...Petitioner

Versus

UT Chandigarh

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Kamal Jit Rana, Advocate for the petitioner.

Mr. Ashu Mohan Punchhi, PP, UT Chandigarh with
Mr. Anupam Bansal, Addl. PP UT Chandigarh.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

Custody certificate filed by the State counsel be taken on
record.

This second petition for regular bail has been filed by
petitioner Ajay @ Babu Ganja, aged about 21 years, an accused in FIR
No.40 dated 15.03.2020, for offences under Sections 379-B, 356 and 34
IPC, registered with Police Station Sector-34, Chandigarh. His earlier
petition for such concession bearing No.CRM-M-17930-2020 was
dismissed by this Court, vide order dated 24.07.2020.

Briefly stated facts of the case as per prosecution story are
that criminal machinery in this case was set into motion by
complainant Guddu Shah, aged about 21 years son of Pati Ram Shah,

resident of Burail, Chandigarh, who in his statement made to the police stated that he has been working as a mason in the tricity and residing in the rented accommodation at Burail, Chandigarh. On 15.03.2020, at about 11 PM, he along with his friend Kamlesh was taking a walk and when they had reached near a grocery shop in the street next to their building at about 11.30 PM, four boys rushed towards them from the opposite side, surrounded them, pressed their necks with their arm and started beating them up, asking them to take out whatever valuables they were having, otherwise, they would be strangled by such assailants; two of the assailants pressed necks of complainant and Kamlesh, whereas two accomplices were beating them up and took out valuables in the form of mobile phones, important documents and currency notes. Thereafter, they left with the booty. Formal FIR was recorded; Ajay @ Babuganga, Sohail @ Chottu @ Billa, Nitain @ Tira and Rajaram @ Raja were arrested in this case. Complainant identified all four of them to be the assailants robbers. Four of them got the recoveries effected from their possession. On completion of investigation and other formalities, the challan against them has since been filed.

Petitioner/accused Ajay had filed petitions for grant of regular bail before Court of Sessions at Chandigarh, which were dismissed by Addl. Sessions Judge, Chandigarh, vide orders dated 04.06.2020 and 4.10.2021 respectively. As such, he has approached this Court, craving for grant of similar relief, which request is being

opposed by learned PP for UT Chandigarh.

I have heard learned counsel for the parties besides going through the record.

Though, the first petition for regular bail filed by the petitioner had been dismissed vide detailed order, however, despite passage of more than 1½ years, the prosecution has not been able to conclude its evidence. Learned Public Prosecution appearing for UT Chandigarh has informed that out of 17 PWs cited, 01 PW has been examined and cross-examination of 03 PWs is yet to be got conducted, whereas, 04 PWs have been given up. It means that the conclusion of trial is likely to take some time, especially when the functioning of the Courts has been considerably affected on account of breaking out of COVID-19 pandemic. Co-accused of the present petitioner, namely Suhail @ Chhotu @ Billa has since been granted concession of regular bail by this Court, vide order dated 23.09.2021. Copy of that order being available on record as Annexure P-3. Further detention of the petitioner shall not serve any useful purpose as his guilt shall be determined during the trial. Therefore, the present petition is accepted. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/CJM/Duty Magistrate, Chandigarh, subject to the following conditions:-

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses;
- (iii) he shall not indulge in any criminal activity;
- (iv) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard;

(v)he shall got his presence marked in the local police station on every Saturday of the week between 11.00 A.M. to 2.00 P.M. so that an eye can be kept on his movements and he is deterred from indulging in any criminal activity.

The Court accepting the bonds is to ensure that the surety furnished by the petitioner is local one, having documentary proof of the sufficient immovable property of the value more than the surety amount within jurisdiction of the said Court. An endorsement be made on the title deed of the property that the said person stood as a surety for the petitioner. A copy of that document be retained on the record of the Court. Photographs of the surety, accused and attesting witnesses be also obtained and placed on record.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

31.01.2022

sumit.k/hemlata

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No