

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45250-2021 (O&M)

Date of decision: 18.08.2022

Sanjoy Ghorui

... Petitioner

Vs.

U.T. Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Naresh Kumar, Advocate for
Mr. Sahil, Advocate
for the petitioner.

Mr. Y.S. Rathore, APP, U.T. Chandigarh.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 2nd petition is for grant of regular bail in FIR No.0096 dated 27.06.2021 under Sections 406, 328 IPC (Sections 382 & 411 IPC were added later on), registered at Police Station Central, Sector-17, Chandigarh; earlier one was dismissed as withdrawn on 30.09.2021.

Learned counsel for the petitioner submits that new ground for filing this second petition is that the petitioner is in custody for the last 01 year, 01 month and 06 days and the trial is not progressing.

Brief facts of the case are that the FIR was registered on a complaint given by Anoop Koley that he was running a workshop for making gold jewelry and had employed 07 workers. On 26.06.2021, he was busy in a

family function and on the next day in the morning, he was informed by one Raja that from his workshop, safe, 1.5 kg gold and some diamond articles along with cash were missing. It is further stated in the FIR that one Aakash Maji thrown a birthday party and invited the workers, who had drinks, but Aakash Maji did not drink and he served some substance in the drinks of other workers and committed the offence.

Learned counsel for the petitioner has submitted that after arrest of Aakash Maji, his disclosure statement was recorded, in which it is stated that he kept the stolen articles with petitioner Sanjoy Ghorui, who is resident of West Bengal. It is further submitted that the petitioner had no knowledge about the fact that articles were in fact stolen articles and primary charge against him will be under Section 411 IPC. It is also submitted that as on today, custody of the petitioner is 01 year, 01 month and 06 days; he is first offender and is not involved in any other case.

Learned APP, U.T. Chandigarh, on instructions from SI Neeraj, Police Station Maloya, could not dispute the fact that the petitioner is in custody for the last 01 year, 01 month and 06 days, however, it is submitted that out of total 26 prosecution witnesses, only 02 PWs have been examined so far.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner is in custody for the last 01 year, 01 month and 06 days; he is first offender; primary charge against him will be under Section 411 IPC and also in view of the fact that only 02 prosecution witnesses have been examined so far, out of total 26 PWs, therefore, it will take some time in conclusion of the trial, this petition is

allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

18.08.2022

vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No