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

CRM-M-44138-2022 (O&M)

Date of Decision: 20.10.2022

Ashu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: None.

JASGURPREET SINGH PURI, J. (ORAL)

CRM-38510-2022

For the reasons mentioned in the application, the same is allowed and the documents as Annexures A-1 to A-3 are taken on record, subject to all just exceptions.

CRM-M-44138-2022

Lawyers are abstaining from work today.

Mr. Deepak has appeared for the petitioner in the representative capacity, since according to him he is the brother of the petitioner. He has submitted that since the similarly situated co-accused, who is at parity with the petitioner has been granted bail by this Court, therefore, the present petitioner may also be considered for the grant of regular bail.

A perusal of the order dated 17.10.2022 would show that rather

this case was preponed for today only on the ground that the other co-accused, namely, Abhi has been granted bail by this Court and although the lawyers are abstaining from work today, this Court would, therefore, on the basis of the available record, deem it fit and proper to proceed.

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.093 dated 04.07.2022, under Sections 379-B & 34 of the IPC, registered at Police Station Dugri, Police Commissionerate Ludhiana.

The custody of the petitioner is more than 2 months and the name of the petitioner was nominated on the basis of the disclosure statement of the aforesaid co-accused, namely, Abhi, who has already been granted bail by this Court vide Annexure A-2 in CRM-M-40061-2022 on 23.09.2022. The subject matter of the alleged theft is only of Rs.6,000/- and one mobile phone.

After perusing the record and the aforesaid order passed by this Court (Annexure A-2) vide which the aforesaid co-accused, namely, Abhi has been granted bail by this Court, this Court is of the view that the petitioner is at parity with the aforesaid co-accused Abhi and apart from the same, vide Annexure A-1, the complainant has also furnished an affidavit that some unknown person had snatched his mobile phone and money and vide Para 5, he has also stated that he does not know the petitioner and the other two co-accused.

Therefore, considering the parity of the petitioner with the other co-accused, namely, Abhi, and also the subject matter of theft, if any, this Court deems it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

20.10.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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