

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.53110 of 2022 (O&M)
Decided on: 23.11.2022

Parohit

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Yogesh Goel, Advocate
for the petitioner.

Mr. Shubham Kaushik, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.209 dated 12.09.2022 registered under Sections 379-B, 34 of the Indian Penal Code, 1860 (in short 'IPC') (Section 411 IPC added later) at Police Station Focal Point, Ludhiana, District Ludhiana.

Counsel for the petitioner, at the very outset, has relied upon the order dated 16.11.2022 passed in CRM-M No.51825 of 2022, vide which co-accused of the petitioner namely Shivam has been granted the concession of regular bail. The operative part of the said order, reads as under:-

“Learned counsel for the petitioner submits that as per allegations in the FIR, which was registered on a complaint given by one Arvind Kumar, it is stated that on 12.09.2022, he was going from his house towards Durga Colony and when he reached at the T-Point of Durga

Colony, two clean shaven young men came from behind on a motorcycle bearing registration number PB10-HU-8588 and snatched his VIVO mobile phone at the point of an axe and they were calling each other by the names of 'Shivam' and 'Prohit'.

Learned counsel for the petitioner further submits that the petitioner is a young man; he is not involved in any other case and has falsely been implicated this case on account of some other dispute.

Learned counsel for the petitioner further submits that the petitioner is in judicial custody since 12.09.2022; challan has been presented and conclusion of trial is likely to take a long time

Learned State counsel has filed the custody certificate and has not disputed the factual position. It is also not disputed that the petitioner is not involved in any other case and he is in judicial custody since 12.09.2022.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody since 12.09.2022 and he is not involved in any other case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.”

Counsel for the petitioner has further submitted that the petitioner is in custody since 12.09.2022 and challan stands presented and the petitioner is not involved in any other case and it will take some time in conclusion of the trial.

Counsel for the State has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 12.09.2022; the co-accused of the petitioner has already been released on bail; the custodial interrogation of the petitioner is not required; the petitioner is not involved in any other case; challan stands presented and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

23.11.2022

yakub

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No