

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.**Sr. No.207****Case No. : CRM-M-4714-2023****Date of Decision : February 03, 2023**

Hemant

.... Petitioner

vs.

State of UT, Chandigarh

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Sunil Kumar, Advocate
for the petitioner.

Mr. A. M. Punchhi, PP, UT, Chandigarh.

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GURBIR SINGH, J. :

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.133 dated 24.10.2022, under Section 394, 452 and 34 IPC (added Sections 392, 452, 397, 147, 148, 149, 411 IPC), registered at Police Station Maulijagan, Chandigarh.

The case in hand was registered on a complaint made by one Sheshmani Pandey that he is running a confectionery shop at Maulijagan, Chandigarh. On 21.10.2022, at about 06:30 PM, started posing his parked Activa scooter in parking area in front of his shop. When he stopped them, they entered into his booth and forcibly took the articles from the shop. They also took out money from his pocket and hit him with sharp edged object due to which he got injured.

Learned counsel for the petitioner states that the petitioner has

not been named in the FIR. No specific allegation regarding causing of

injury or snatching of any article is attributed to him. Neither any weapon nor any article has been recovered from him. He is in custody since 25.10.2022.

Learned State Counsel, on the other hand, has opposed the prayer made by learned counsel for the petitioner, but has very fairly stated that no recovery is effected from the petitioner and no injury is attributed to him. He also admitted the fact that the petitioner is in custody since 25.10.2022.

Heard.

Keeping in view the facts that neither any weapon nor any article of the complainant has been recovered from the petitioner; the allegation of causing injury with sharp edged weapon is also not on the part of the present petitioner; he is in custody since 25.10.2022 and the completion of trial will also take a long time, no useful purpose would be served by keeping the petitioner behind bars for a long period.

Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, Chandigarh.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

February 03, 2023
monika

(GURBIR SINGH)
JUDGE

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>

