

CRM-M 8629 of 2023

2023:PHHC:057803
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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

224

CRM-M 8629 of 2023
Date of Decision: 24.04.2023

Khem Pal

.....*Petitioner*

Versus

State of U.T. Chandigarh

.....*Respondent*

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

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

Mr. A.M. Punchii, PP for UT Chandigarh.

GURBIR SINGH, J (ORAL)

The petitioner has filed the present petition praying for grant of regular bail in case FIR No.133 dated 24.10.2022, under Sections 394, 452 and 34 IPC (Sections 392, 452, 397, 147, 148, 149, 411 IPC were added later on), registered at Police Station Maulijagran, Chandigarh.

The case in hand was registered on a complaint made by one Sheshmani Pandey that he is running a confectionery shop at Maulijagran, Chandigarh. On 21.10.2022, at about 6.30/7.00 PM, 4-5 youths came in front of his shop and started pushing his parked vehicle i.e. Activa-scooter. When he raised objection, then they all took away one box of toffies, one box of Jam besides certain amount of money from his pocket and hit him with sharp edged object due to which he got injured. He disclosed the names of two boys as Goggi and Sibbad.

Learned counsel for the petitioner submits that the petitioner is also resident of Mauli Jagran, Complex Chandigarh i.e. in the same locality.

Earlier the complainant was residing in front of the house of the petitioner

as tenant for about 5 years. Later on, he shifted to other house. Had the petitioner being present there, complainant would have named the petitioner but he is not mentioned in the FIR. No specific act is attributed to the petitioner. Petitioner is in custody since 25.10.2022. Vide order dated 03.02.2023 in CRM-M-4714-2023, co-accused-Hemant has already been granted the concession of regular bail by this Court, therefore, the petitioner deserves the concession of bail.

Custody certificate as well as Status report by way of affidavit of Uday Pal Singh, SDPO, North East, Chandigarh, filed by the learned State counsel are taken on record.

On the other hand, the prayer is opposed by learned State counsel. He states that a box of toffies was recovered from the possession of the petitioner and he actually participated in the crime in question. He, however, does not dispute that the petitioner is in custody since 25.10.2022.

Heard.

The petitioner is not named in the FIR. No specific injury is attributed to the petitioner. Injury on the person of the complainant is simple in nature. Petitioner is in custody for the last 05 months and 29 days as per custody certificate dated 23.04.2023.

Without commenting anything on the merits of the case and taking into account the custody period beside the fact that the trial is not likely to be concluded in near future, in my opinion, no useful purpose would be served by detaining the petitioner behind bars any further. The petition, as such, is *allowed*. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate, concerned.

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If any attempt whatsoever is made by the petitioner to contact/threaten/intimidate any member of the complainant's family (also the family of the petitioner), the complainant/State shall be at liberty to move an application for cancellation of bail granted vide this order.

April 24, 2023
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(GURBIR SINGH)
JUDGE

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