

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

227 (01)

CRM-M-9845-2023

Decided on : May 01, 2023

SANJU

..... Petitioner

Versus

UNION TERRITORY OF CHANDIGARH

..... Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Vipul Dharmani, Advocate
for the petitioner.

Mr. A. M. Punchhi, Public Prosecutor, U.T. Chandigarh.

NAMIT KUMAR, J. (Oral)

1. By way of filing the present petition under Section 439 of Cr.P.C., the petitioner, who is a young boy of just 21 years, has approached this Court seeking grant of regular bail to the petitioner in case F.I.R. No.305 dated 25.11.2022, under Section 379-A of IPC (Sections 411 & 34 of IPC added lateron), registered at Police Station Sector-36, U.T. Chandgiarh.

2. As per the FIR, on 24.11.2022 at about 10:10 P.M., the complainant and his friend namely Sahil, after closing their shops, were returning home in village Kajheri, Sector 52, Chandigarh. At about 10:20 p.m. they reached near Lake in Sector 42, Chandigarh. Three persons came on a motor cycle. They stopped that motorcycle near the complainant party. Two of the offenders stood before them and third one stood behind them (behind the complainant party). One of the two persons standing in front snatched the Vivo Mobile Phone of complainant and Samsung Galaxy A-50 of his friend Sahil. They all three escaped on that motorcycle the front and rear number plates of which were covered with handkerchiefs. Complainant also stated that he can identify these offenders, if

comes across them. Pursuant to the FIR the juvenile - Vikas was arrested on 03.01.2023 and above referred Galaxy phone was recovered from him. Petitioner was arrested on 05.01.2023 and the motorcycle used in the crime was recovered from him. In his disclosure statement he stated about the occurrence having been caused by him with two accomplices i.e. above said Vikas and Rohit, and that the Vivo mobile phone of complainant was with said Rohit. On his disclosure statement, Rohit was arrested on 07.01.2023 and said Vivo mobile phone was recovered from him. The petitioner was arrested on 05.01.2023..

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case as the FIR was registered on a secret information against unknown accused persons and he has been made an accused on his own disclosure statement. He further submits that recovery of Mobile Phone - make Samsung Galaxy A50 (colour skyblue), which was found to be snatched mobile phone of co-complainant (Sahil), has not been effected from the petitioner whereas the same has been effected from his co-accused namely Vikas. He further submits that the petitioner is in custody for the last 03 months and 24 days; investigation in the present case is complete; *Challan* has been presented; charges are yet to be framed; there are total 12 prosecution witnesses which are yet to be examined and the case is now fixed before the trial Court on 19.05.2023. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. *Per contra*, learned State counsel, while placing on record, custody certificate, opposes the prayer for grant of regular bail to the petitioner. However, he could not dispute that investigation in the present case is complete; *Challan* has been presented; charges are yet to be framed and there are total 12 prosecution witnesses, which are yet to be examined and the petitioner is in custody since 03

months and 24 days.

5. I have heard learned counsel for the parties and perused the record.
6. Keeping in view the custody of the petitioner, which is more than 03 months; recovery has not been effected from the petitioner whereas the same has been effected from his co-accused Vikas; investigation is complete; *Challan* has been presented; charges are yet to be framed; there are total 12 prosecution witnesses which are yet to be examined and the trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.
7. The petition stands disposed off accordingly.

May 01, 2023
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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No