

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

213

CRM-M-17087-2022

Date of decision : 01.02.2023

Kishan Lal Sharma

Petitioner

V/S

State of U.T. Chandigarh

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Manjot Singh Gujral, Advocate
for the petitioner.

Mr. Akashdeep Singh, Addl. Public Prosecutor
for U.T. Chandigarh.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.203 dated 19.12.2021 registered under Sections 379, 328 and 411 of the Indian Penal Code, 1860 at Police Station Sector-17, Chandigarh.

The above-said FIR was registered on a compliant made by complainant-Rajinder Singh alleging that he is running a cloth shop in Village Papdi, Mohali and on 13.09.2021 at about 10:00 p.m. he had boarded a Haryana Roadways bus for Delhi to purchase fabric. One clean shaved person sitting along with him offered biscuit at Zirakpur. After eating the biscuit, he felt dizziness and after sometime he became unconscious. The bus conductor got him admitted at Balabgarh Hospital from where he was referred to Delhi Safdarganj Hospital and he gained consciousness after 02 days. Thereafter, he found that his

mobile phone and cash amount of Rs.30,000/-, gold ring and Aadhar card were missing.

Learned counsel for petitioner submits that the petitioner was not named in the FIR and has been falsely implicated in the present case. There is undue and unexplained delay of 03 months and 09 in lodging of the FIR. There is no evidence against the petitioner. The alleged recovery from the petitioner is a planted one. The petitioner is in custody since 17.12.2021. Out of 14 prosecution witnesses only 04 have been examined so far. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand learned State counsel has opposed the present petition in terms of status report dated 20.09.2022 filed by way of an affidavit of Sh. Gurmukh Singh, Deputy Superintendent of Police (Central), Chandigarh.

I have heard learned counsel for the parties and gone through the paper-book.

As per the status report, on 19.12.2021 a complaint was received from complainant-Rajinder Singh and during investigation, it was found that the petitioner was already in custody in another case bearing FIR No.202 dated 18.12.2021 of similar nature and complainant-Rajinder Singh also identified him as the same person who had committed theft with him. On the basis of disclosure statement made by the petitioner, a Nokia Keypad Phone without Sim Card, Brown Colour Purse having Aadhar Card of complainant-Rajinder Singh were recovered which were identified by the complainant.

Keeping in view the facts and circumstances of the case, gravity of the alleged offences and the fact that the petitioner is a habitual offender but without commenting upon the merits of the case, I am of the considered view that the petitioner does not deserve the concession of regular bail.

In view of the above, the present petition is dismissed.

01.02.2023

kothiyal

(ASHOK KUMAR VERMA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No