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

**CRM-M No. 17214 of 2023
Date of Decision: 25.05.2023**

Vishal @ Jacob

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Gagandeep Singh Bajwa, Advocate for petitioner.

Mr. Mohit Thakur, AAG, Punjab.

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SANJIV BERRY, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.130, dated 28.09.2022 under Sections 379-A, 450, 411, of IPC (after deleting the offence u/s 379-A and 450 IPC, offence u/s 379, 379-B, 511 IPC added lateron) registered at Police Station C-Division, District Amritsar (Annexure P-1).

2. It has been contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that petitionenr is in custody since 28.01.2023 and the challan has already been presented in Court and as such he prayed for grant of bail to the petitioner.

3. On the other hand, learned State counsel filed custody certificate. The same is taken on record.

4. Learned State counsel has opposed the bail application by arguing that considering the gravity of the offences the petitioner is not entitled to concession of bail. He, however, submitted that as per custody certificate the petitioner is in custody for 3 months 23 days till date and there is no other case registered against the petitioner.

5. Arguments heard and record perused.

6. After considering the rival contentions and going through the record, it transpires that as per the case of the prosecution, the petitioner had allegedly taken away gold ring weighing about 3 gms on 28.09.2022. Accordingly, the case was registered and subsequently the investigating officer on the basis of secret information, arrested petitioner on 28.01.2023 and on the basis of disclosed statement made by the petitioner the aforesaid gold ring was recovered. As per custody certificate the petitioner have spent 3 months and 23 days in custody and no other case is registered against him. Challan has already been presented in the Court and accordingly liability of the accused-petitioner shall be determined after the trial and no purpose would be served by keeping the petitioner in custody any longer.

7. In view of the facts and circumstances, without commenting on the merits of the case the petition is disposed of, thereby admitting the petitioner to bail on furnishing bail bonds to the satisfaction of learned CJM/Duty Magistrate concerned. The petitioner is further directed to appear regularly before trial Court; and not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. However, anything observed hereinabove shall not be treated as

an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

(SANJIV BERRY)
JUDGE

25.05.2023
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No