

Vicky @ Nepali Vs. State (U.T., Chandigarh)

Present: Mr. Harmandeep Singh Saini, Advocate
for the petitioner.

By way of this petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.132 dated 01.12.2022, registered under Sections 379-A, 411, 34 IPC at Police Station Manimajra, Chandigarh.

2. FIR was lodged on the complaint of one Amit Kumar, as per which, on 10.11.2022, at about 10:30 PM., he was standing in front of his house when two boys came on a bike, snatched his mobile and fled away. He did not make any complaint to the Police. Rather on 11.11.2022, he only got registered a DDR online saying that he has lost the mobile. Thereafter, he went to Delhi and got FIR registered on 01.12.2022, i.e. after 20 days after the occurrence.

3. It is contended by learned counsel for the petitioner that petitioner was in custody in some other case when the FIR was registered in this case. It is further contended that there is a delay of 20 days in lodging the FIR and that the petitioner has been falsely implicated.

4. Notice of motion.

5. Mr. Rajeev Anand, Additional PP, UT, Chandigarh, accepts notice on behalf of the respondent.

6. Custody certificate of the petitioner has been placed on record as per which petitioner is in custody for the last 04 months and 22 days.

7. Having regard to the factual position as noticed above, but

without commenting anything on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned.

(DEEPAK GUPTA)
JUDGE

April 26, 2023
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