

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

219

CRM-M-21164-2023
Date of decision: 03.05.2023

KRISHNA

....Petitioner

Versus

STATE OF UT, CHANDIGARH

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Parunjeet Singh, Advocate
for the petitioner
Mr. Rajiv Vij, Add. PP, UT, Chandigarh

AMAN CHAUDHARY. J.

1. Present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case of FIR No. 38 dated 21.01.2023, registered under Sections 379-A, 34 and 411 IPC at Police Station Sector 36, Chandigarh.
2. Learned counsel contends that the petitioner has been in custody for the last more than 3 months. As per the allegations, a mobile phone was recovered from him while a purse, Adhaar card and Rs.30 was recovered from the co-accused who has since been granted regular bail vide order dated 25.04.2023. Though, challan has been presented, but charges have not been framed and in all, there 12 prosecution witnesses. He is not involved in any other case.
3. Learned counsel for UT, Chandigarh opposes the bail on the ground that the recovery of the mobile phone has been effected from the petitioner which

had been snatched from the complainant. However, he is unable to controvert the submissions with regard to the custody, stage of the case, his non involvement in any other case and that the co-accused has already been granted bail.

4. Heard.

5. In view of the facts and circumstances of the case particularly that the petitioner has been in custody for the last more than 3 months; he is not involved in any other case; co-accused has already been granted regular bail; challan has been presented, however, charges are yet to be framed and there are 12 prosecution witnesses in all; the trial is likely to take considerable time, his incarceration would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

6. As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to his not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
6. The petitioner shall not in any manner misuse his liberty.
7. The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior

intimation to the learned Trial Court, stating the reason for the same.

8. The petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, he does not have the passport, he shall furnish a specific affidavit in this regard.

7. It is made clear that in case of any infraction of any of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

8. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

03.05.2023

Mehak

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