

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

**CRM-M-22962-2023
Date of decision: 11.05.2023**

RAJIT SHARMA @ RAJAT SHARMA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Jitender Singh Dadwal, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J. (ORAL)

1. Custody certificate of the petitioner has been circulated today and the same is taken on record.
2. Rajit Sharma @ Rajat Sharma-petitioner is seeking regular bail in the case bearing FIR No.472 dated 17.11.2022 under Sections 379-B/411 IPC, 1860 (Section 34 IPC, 1860 addd later on) registered at Police Station Division No.1, Ludhiana.
3. Learned counsel for the petitioner contends that the FIR has been registered on the basis of secret information to the effect that the petitioner along with the co-accused, namely, Mangat Ram are roaming on a stolen motorcycle bearing registration No.PB-91C-2303. Accordingly, a nakabandi was raised and the petitioner along with the co-accused were apprehended. It has been further submitted that motorcycle and three mobile phones have been alleged to be recovered from the petitioner. Significantly, no report with regard to the theft/snatching of the motorcycle or the mobile phones was lodged by the owners thereof. Even, mobile phones were not in working condition. Though, the

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petitioner is involved in three other cases but is on bail in those cases. The petitioner is in custody for a period of 05 months and 22 days. The investigation of the case is complete and challan has been presented.

4. Learned State counsel has opposed the bail application on the score that the petitioner is involved in three other cases and recovery of stolen property has been effected from him.

5. Be that as it may, the petitioner is on bail in other three cases that have been registered against him. There is nothing to indicate that any FIR was lodged with regard to theft/snatching of the motorcycle or mobile phones by the owners thereof. The petitioner is in custody for a period of 05 months and 22 days and is not involved in any other case. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

6. Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

7. The petition is allowed accordingly.

11.05.2023

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(VIVEK PURI)
JUDGE

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