

207

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26319-2023
Date of decision: 12.10.2023

GAURAV ALIAS GUGGU

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON’BLE MR. JUSTICE VIVEK PURI

Present: Mr. Naveen Sharma, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J. (ORAL)

1. Custody certificate of the petitioner has been placed on record.
2. Gaurav @ Guggu -petitioner is seeking regular bail in the case bearing FIR No.164 dated 01.09.2022 under Sections 454/379-B IPC, registered at Police Station City Jagraon, District Ludhiana Rural.
3. Briefly, the FIR has been registered on the allegations that an unknown person committed trespass in the house of the complainant and snatched two golden bangles at the pistol point from her. Thereafter, he went to the kitchen and removed two golden bangles of the daughter-in-law of the complainant. The unidentified person was having a tattoo mark on his right wrist.
4. Learned counsel for the petitioner contends that the petitioner has not been named in the FIR. The occurrence took place on 01.09.2022. In fact on that very day, the petitioner was arrested in a case bearing FIR No.160 dated 01.09.2022, under Sections 22/25 & 29 of NDPS Act and during the course of investigation, it has been alleged that the petitioner had made disclosure with regard to his involvement in the instant case. The petitioner has been falsely implicated to aggravate the gravity of allegations against him with regard to the case registered against him under NDPS Act. The complainant as well as her daughter-in-law have been examined during the course of trial. The petitioner is

CRM-M-26319-2023

-2-

in custody for a period of 01 years, 01 month and 04 days and not involved in any other case except the aforesaid case under NDPS Act.

5. Learned State counsel has not disputed the fact that the complainant and her daughter-in-law have been examined during the course of trial. However, it has been submitted that both of them have identified the petitioner during the course of their statement in the trial Court and out of 09, only 02 witnesses have been examined till date.

6. It is significant to note that the petitioner is in custody for a period of 01 year, 01 month and 04 days and not involved in any other case. The petitioner has been sought to be implicated on the basis of disclosure statement made by him in another case registered against him under NDPS Act. Both the victims have been examined during the course of trial and as such, it cannot be said that the petitioner can in any manner win over or influence them. Still 07 witnesses remain to be examined. The remaining witnesses are stated to be official witnesses. 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.

7. 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.

8. The petition is allowed accordingly.

12.10.2023

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(VIVEK PURI)
JUDGE