

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27297-2023
DECIDED ON: 01.06.2023

MOHD. ALTAF

.....PETITIONER

VERSUS

STATE OF UT CHD.

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL.

Present: Mr. Sunil Kaushik, Advocate
for the petitioner.

Mr. Ankur Bali, Addl. P.P., UT, Chandigarh.

VIKRAM AGGARWAL, J (ORAL)

1. Prayer in the present petition has been preferred under Section 439 of the Code of Criminal Procedure (for short 'Cr.P.C.') is for the grant of regular bail to the petitioner in FIR No.00021 dated 11.03.2023 registered under Sections 379-A and 34 of Indian Penal Code at Police Station Industrial Area, UT Chandigarh (added in challan under Section 411 IPC).

2. On 07.03.2023, two persons are alleged to have snatched a mobile phone from the complainant-Rakesh. The present petitioner was arrested on 11.03.2023 and some mobile phones are alleged to have been recovered from him.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated as he was not arrested from the spot. Learned counsel further submits that no further recovery has to be made from him; final report under Section 173 Cr.P.C. has already been submitted; trial will take a sufficiently long time and, therefore, no useful purpose would be served by keeping the petitioner in custody any longer.

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4. On the other hand, learned counsel representing the UT Chandigarh has opposed the bail petition stating that few other mobile phones were recovered from the petitioner. He submits that if the petitioner is released on bail, he may try to influence and threaten the witnesses and may also abscond.

5. The petitioner is in custody for the last more than two and a half months. As per the custody certificate filed in the Court today, he has already undergone custody of 2 months and 20 days. Admittedly he was not arrested from the spot. Final report under Section 173 Cr.P.C. has been submitted; trial will still take a sufficiently long time. No useful purpose would, therefore, be served by keeping the petitioner in custody any longer.

In view of the aforementioned facts and circumstances, without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate Chandigarh.

(VIKRAM AGGARWAL)
JUDGE

01.06.2023
Prince Chawla

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