

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

229

CRM-M-27551-2023

Date of decision: 18.07.2023

Vishal

.....Petitioner

Versus

The State of UT Chandigarh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vishal Verma, Advocate for the petitioner.

Mr. Anupam Bansal, Addl. P.P., U.T., Chandigarh.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.58 dated 17.04.2023 under Sections 379-A and 411 read with Section 34 of the IPC registered at Police Station Sector 39, Chandigarh.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been in custody since 20.04.2023 in a case of snatching of a mobile. Learned counsel submits that it was the admitted case of the complainant that on the fateful day two boys while riding a motorcycle had come close to his bicycle and thereafter the pillion rider after snatching his mobile phone had fled away. Learned counsel submits that the petitioner has clean antecedents and it was after 03 days of the alleged occurrence, he came to be nominated as an accused in the case in hand on the basis of an alleged secret information. He further submits that even as per the alleged secret information received it was not the petitioner who had snatched the mobile phone of the complainant but co-accused, who was pillion riding behind the

petitioner. Learned counsel further submits that after the challan was presented, charges have not yet been framed and hence, the trial would take considerable time to conclude, moreso, as 14 prosecution witnesses have been cited by the prosecution.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner on instructions, has not disputed that mobile of the complainant was allegedly snatched by the pillion rider who was sitting behind the petitioner. Learned State counsel on instructions has also not disputed that the petitioner is not involved in any other criminal case much less a case of similar nature.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. As per allegations in the FIR, the mobile phone of the complainant was allegedly snatched by the pillion rider who was sitting behind the petitioner on the motorcycle. Charges have not yet been framed, hence, there is no likelihood of the trial concluding in the near future. Therefore, this Court deems it appropriate to extend the concession of bail to the petitioner.

6. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

18.07.2023

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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