

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(224)

CRM No. M-27968 of 2023
Date of Decision : 17.07.2023

Atul Chouhan @ Atul Chauhan

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Munish Puri, Advocate for the petitioner.

Mr. Anmol Kumar Sandhu, Assistant Advocate General,
Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C.
for the grant of regular bail to the petitioner in FIR No. 49 dated
29.03.2023, registered under Sections 454, 380, 427 IPC (Sections 411,
414 added later on) at Police Station Division No. 2, District Pathankot.

Learned counsel for the petitioner submits that in the present
case, the petitioner has only been roped in on the basis of the disclosure
statement of co-accused, namely, Akshay Kumar, hence as the
investigation is already over and the trial is likely to take some time to its
conclude, the petitioner be granted the concession of regular bail.

Learned State counsel submits that the property stolen by co-
accused, Akshay Kumar was recovered from the possession of the

petitioner, which shows that they both were working in connivance with each other, hence, the prayer of the petitioner for the grant of regular bail may kindly be declined though, it is conceded that the investigation is already over and the challan has already been submitted.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The connivance of the petitioner with co-accused, namely, Akshay Kumar, is yet to be proved during the trial. The only allegation is that the stolen property was recovered from the petitioner. Whether the same was kept by the main accused with the petitioner or the same was received in connivance between the petitioner and the co-accused, will be dependent on the evidence, which will come on record. As the investigation is already over and challan has already been presented, the trial is likely to take some time before it concludes as none of the cited witness has been examined so far, hence, there will be no justifiable reason to keep the petitioner behind the bars during the entire period of trial, especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not influence the trial or the witnesses in any manner and will maintain good conduct, if he is granted the benefit of regular bail.

It is made clear that in case, any fact comes to the notice of the State with regard to the violation of the said undertaking, the State will be within its jurisdiction to file appropriate application along with the cogent facts for re-consideration of the present order.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

July 17, 2023
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

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