

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-37591-2022 (O&M)

Date of Decision: 9.1.2023

Suraj

....Petitioner

VERSUS

State of U.T., Chandigarh

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Dinesh Maurya, Advocate
for the petitioner.

Mr. Amit Goyal, Addl. PP, UT, Chandigarh.

KARAMJIT SINGH, J.

CRM-228-2023

Allowed as prayed for and document Annexure P-3 is taken on record subject to all just exceptions.

Main case

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.0035 dated 12.4.2022 registered for the offences punishable under Sections 392, 34 IPC (Sections 397, 411 IPC and Sections 27, 54, 61 of Arms Act added later on) at Police Station Sector 19, Chandigarh.

Counsel for the petitioner *inter alia* contends that as per prosecution version, co-accused Govind gave knife blow and snatched mobile phone from the complainant; that during the investigation, the accused persons were arrested and later on, co-accused Govind was granted regular bail by the learned trial Court vide order dated 23.12.2022

(Annexure P-3). He further submits that the petitioner is in custody for the last more than 8 months and the complainant has been examined but it will take considerable time for the trial to conclude. So, prayer is made that the petitioner be granted regular bail.

Present petition is opposed by the learned UT Counsel who on instructions from ASI Pardeep Kumar submits that the petitioner was also involved in the incident of snatching of mobile phone from the complainant. He has not disputed the fact that the complainant has been examined and co-accused Govind from whom the police recovered knife and snatched mobile phone is granted regular bail vide order dated 23.12.2022 (Annexure P-3) by the learned trial Court and that the petitioner is in custody for the last more than 8 months.

I have considered the submissions made by the counsel for the parties.

FIR in this case was registered against two unknown persons one of whom attacked the complainant with knife and snatched his mobile phone. The petitioner was arrested in the present case and is now lodged behind the bars for the last more than 8 months and only recovery from him is that of motorcycle alleged to be used in the commission of the crime. Main accused Govind who allegedly attacked the complainant with knife and snatched his mobile phone is already given benefit of regular bail by the learned trial Court vide order Annexure P-3. Further, the complainant already stands examined during the trial. So, there is no apprehension that if released on bail, the petitioner is going to influence him.

In view of above, this Court is of the view that no useful purpose is going to be served by keeping the petitioner in custody for any

further period.

Consequently, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

January 9, 2023

Paritosh Kumar

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