

CRM-M-36525-2023

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

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Date of Decision: 03.11.2023

Alok

.... **Petitioner****Versus**

State of U.T. Chandigarh

.... **Respondent****CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present : Mr. Deepak Nayyar, Advocate
for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.80 dated 22.06.2023, registered at Police Station Mauli Jagran, District Chandigarh, under Sections 397, 506 and 34 IPC.

2. It is submitted by counsel for the petitioner that the case against the petitioner is totally concocted, false and frivolous. The petitioner is not involved in the crime as alleged against him. Even as per the story of the prosecution, the petitioner is alleged to have caused injuries to the complainant in the incident of looting him. However, the said injuries are stated to be simple in nature. Even the complainant while stepping into witness-box, has not supported the case of the prosecution. The petitioner has been in custody since 22.06.2023. The petitioner is not involved in any other case; the investigation of the case is complete and the

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petitioner is not required for any further investigation purposes Therefore, the petitioner deserves to be released on bail pending trial.

3. Notice of motion.

4. Mr. Vipul Jindal, Addl. P.P., accepts notice on behalf of the respondent-U.T.Chandigarh. It is submitted by Addl. P.P. U.T. Chandigarh that the petitioner was one member of the gang, which was involved in the act of committing robbery qua the complainant. In the said process, the petitioner had caused injury to the complainant. Therefore, the petitioner cannot claim that he is not involved in the present case. Therefore, the petitioner does not deserve any concession of bail. However, it is not disputed by Addl. P.P.U.T., Chandigarh that the complainant has not supported the case of the prosecution, there is no other case registered against the petitioner and that the investigation of the case is complete. It is also not disputed that the injuries suffered by the complainant have been opined to be simple in nature by the medical opinion.

5. In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

03.11.2023

parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No