

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

204

CRM-M 42738 of 2022

Date of Decision: 27.01.2023

Surinder Kumar

.....*Petitioner*

Versus

Union Territory, Chandigarh

.....*Respondent*

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. Hariminder Singh, Advocate for the petitioner.

Mr. Abhinav Gupta, Addl. U.T. Chandigarh assisted by
Jagjit Singh Lali.

GURBIR SINGH, J (ORAL)

The petitioner has filed the present petition praying for grant of regular bail in case FIR No.20 dated 14.03.2022, under Sections 379-B, 394, 34 IPC (Sections 397, 392, 323, 341 IPC were added later on), registered at Police Station Sarangpur, Chandigarh (U.T.).

FIR in the present case was registered on the statement of complainant-Ashok that on 14.03.2022, at about 6.00 PM, when he was crossing the main road, two persons on motorcycle came near him after parking the motorcycle aside and snatched cash of Rs.3,000/- from him after beating and threatening him. One of them fled on his motorcycle, while the other was apprehended from whom one knife was recovered. He disclosed about his accomplice who fled from the spot as Surinder Kumar @ Sunder @ Lalla, the present petitioner.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case after about 3½ months, the petitioner was arrested on 09.07.2022 and he is in custody since then. Nothing is to be recovered from him.

Custody certificate filed by the learned State counsel is taken

on record.

Learned State counsel has vehemently opposed the application. He submits that the challan has been presented in this case. He has not denied the averments that the petitioner is in custody since 09.07.2022. He has also not denied that the petitioner was not arrested from the spot.

Heard.

In view of the above, without commenting anything on the merits of the case and taking into account the fact that the trial is not likely to be concluded in near future as also the fact that the petitioner is in custody since 09.07.2022 and he was named on the basis of disclosure statement made by the co-accused, in my opinion, no useful purpose would be served by detaining the petitioner behind bars any further. The petition, as such, is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Illaqa Magistrate/Duty Magistrate concerned.

If any attempt whatsoever is made by the petitioner to contact/threaten/intimidate any member of the complainant's family (also the family of the petitioner), the complainant/State shall be at liberty to move an application for cancellation of bail granted vide this order.

January 27, 2023

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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No