

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CRM-M-41026-2023

Date of decision: 25.08.2023

Ankit Yadav

.....Petitioner

Versus

State of UT, Chandigarh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Mohan Singh Chauhan, 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 Cr.P.C. in case FIR No.58 dated 17.04.2023 under Sections 379A, 34 of the IPC (Section 411 of the IPC added lateron) 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. Learned counsel submits that it was the admitted case of the complainant that on the fateful day, 02 unknown boys came riding a motorcycle and after snatching his mobile phone fled away. He submits that the petitioner has clean antecedents and it was after 03 days of the alleged occurrence, he was nominated as an accused in the case in hand on the basis of a secret information received. Learned counsel submits that since investigation is complete and challan stands presented, further incarceration of the petitioner would serve no useful purpose moreso since prosecution evidence is yet to commence coupled with the fact that as many as 14 prosecution witnesses have been cited by the

prosecution.

3. Per contra, learned State counsel while opposing the prayer made by the counsel opposite, on instructions, has not disputed that the FIR in question was registered against unknown persons. He, on further instructions, submits that the mobile which was snatched from the complainant was recovered from the petitioner.

4. On a pointed query put to the learned State counsel as to whether the petitioner has criminal antecedents, he, on instructions, has replied in the negative.

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

6. The petitioner has been in custody since 20.04.2023. The trial is unlikely to conclude in the near future as prosecution evidence is likely to commence only on 22.09.2023. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, 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.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

25.08.2023

(MANJARI NEHRU KAUL)

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JUDGE

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