

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.40868 of 2023
Date of decision: 2nd September, 2023

Saurav Kumar

... Petitioner

Versus

UT Chandigarh

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Raghav Gulati, Mr. Rahul Kesar and Mr. Varun Sharma,
Advocates for the petitioner.

Ms. Simsi Dhir Malhotra, APP UT Chandigarh
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.0076 dated 17.05.2023 under Sections 379-A, 34 IPC (Section 411 IPC added later on) registered at Police Station South Sector 34, U.T. Chandigarh.

2. This Court, vide order dated 24.08.2023 noticed the following submissions made by learned counsel for the petitioner:

“Learned counsel for the petitioner while drawing the attention to the allegations levelled in the FIR which have been annexed as Annexure P-1, inter alia, contends that it was registered against unknown persons and it had been alleged therein that the assailants had snatched a bag containing gold jewellery from the complainant and thereafter fled away. Learned counsel further submits that strangely on the following day, on the basis of a secret

information received and that too in Mohali, the complainant along with her husband identified the petitioner and his accomplice while they were sitting on the motorcycle and chatting with each other. Learned counsel further contends that a highly improbable version has, thus, been brought-forth against the petitioner and all this has to be appreciated in the light of the petitioner not being involved in any other criminal case much less a case of a similar nature. Learned counsel further asserts that on the one hand it has been alleged that the petitioner had snatched a bag containing gold jewellery from the complainant, however, in the same breath the petitioner is sought to be charged for an offence under Section 411 Cr.P.C.”

3. Learned State counsel has filed custody certificate of the petitioner, which is taken on record. She, on instructions from ASI Amarjeet Singh, has not disputed that the petitioner is not involved in any other criminal case, much less a case of similar nature. On further instructions, learned State counsel has informed the Court that charges against the petitioner were framed on 01.09.2023 and now the case is posted for 06.10.2023 for prosecution evidence.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner has now been in custody since 18.05.2023 and there is no likelihood of the trial concluding in the near future as prosecution evidence is yet to commence and 13 prosecution witnesses have been cited. In the facts and circumstances, as enumerated

hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition, as such, is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

6. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

September 2, 2023
rps

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