

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(104 +209)

CRM-M-47200-2022 (O&M)
DATE OF DECISION:-24.04.2023

Kapil Kumar

...Petitioner

vs.

State of U.T., Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

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

Mr. Amit Kumar Goyal, APP, U. T., Chandigarh.

HARKESH MANUJA, J.

CRM No.17852 of 2023

This is an application for placing on record Annexure P-4 and also for exemption from filing the certified copy of the same.

Application is allowed as prayed for subject to all just exceptions.

Document Annexure P-4 is taken on record with exemption from filing certified copy of the same.

CRM-M-47200-2022

(1) By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail in case FIR No.148 dated 15.10.2021 under Sections 397-A, 34 IPC (Sections 411 and 473 IPC added lateron), registered at Police Station Sector 31, Chandigarh.

(2) As per allegations levelled in the FIR, petitioner happens to be one of the accused who snatched gold chain from the complainant.

(3) Learned counsel for the petitioner submits that the petitioner is behind the bars since 12.03.2022 whereas upon completion of investigation followed by framing of charges on 08.12.2022, not even single witness has been examined so far and the trial is likely to take some time, thus, the

petitioner deserves concession of regular bail.

(4) On the other hand, learned State counsel opposes the prayer made herein while submitting that there are 16 other cases of similar nature pending against the petitioner, though, admittedly in all those cases, he is on bail.

(5) I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

(6) Considering the facts that the petitioner has already suffered incarceration for a period of more than 1 year & 1 month now, the trial being likely to take time as out of 16 witnesses as cited by the prosecution, none has been examined so far whereas, on completion of investigation, charges were framed on 08.12.2022. Though the petitioner is involved in 16 other case of similar nature, however, admittedly, in all those cases, he is on bail and thus, I do not find any justification to extend the incarceration of the petitioner and any further in the present case, thus, the petitioner deserves the concession of regular bail.

(7) Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

(8) However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

24.04.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No