

CRM-M-47917 of 2022

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-47917 of 2022
Date of decision: 19.01.2023

Karan @ Kanan

.....Petitioner

versus

U.T. Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Deepak Kumar, Advocate, for the petitioner.
Ms. Simsi Dhir Malhotra, APP, U.T., Chandigarh.

NAMIT KUMAR, J. (ORAL)

In terms of order dated 21.10.2022, status report by way of affidavit of Ms. Palak Goel, D.A.N.I.P.S. SDPO/East Sub Division, Sector 26, Chandigarh, has been filed on behalf of the respondent, which is taken on record.

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.183 dated 22.09.2021 under Sections 379-A, 411 IPC, registered at Police Station Sector 26, Chandigarh.

According to the prosecution, present case was registered on the complaint of Dalip Kumar wherein he reported that on 22.09.2021 he was going to eat ice-cream alongwith his son. When he reached near BDC Light Point, Sector 26, Chandigarh a person Karan @ Kanan (present petitioner) came and asked to give his mobile phone but he denied.

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Petitioner snatched his mobile phone MI-9 pro and Rs.700/- from his hand forcibly. During investigation, petitioner was arrested on the same day and snatched mobile phone was recovered from the pocket of his pant.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. Learned counsel submits that petitioner is in custody since 22.09.2021; investigation in the present case is complete; challan has been presented; charges have been framed and out of total 09 prosecution witnesses two witnesses have been examined, including the complainant, who has been partly examined and now the case is fixed before the trial Court on 10.02.2023. He further submits that trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

Per contra, learned counsel for the respondent opposes the grant of grant of regular bail to the petitioner while placing custody certificate on record on the ground that petitioner is a habitual offender as he is involved in three more cases. However, she could not dispute that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 09 prosecution witnesses two witnesses have been examined, including the complainant, who has been partly examined and now the case is fixed before the trial Court on 10.02.2023.

Learned counsel for the petitioner submits that in all the three other cases registered against the petitioner, he is on bail and mere pendency of other cases cannot be made ground to deny the bail to the petitioner in view of the judgment rendered by the Hon'ble Supreme Court of India in

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Prabhakar Tewari Vs. State of U.P. and another, 2020 (1) R.C.R. (Criminal) 831.

To the same effect is the judgment of the Hon'ble Apex Court in **Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382**, wherein it has been held as under: -

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

I have heard learned counsel for the parties and perused the record.

Keeping in view the custody of the petitioner, which, according to the custody certificate is 01 year 03 months and 27 days; investigation is complete; challan has been presented; charges have been framed and out of 09 witnesses, two prosecution witnesses, including the complainant, have been examined and trial is likely to take a considerable time to conclude, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

The petition stands disposed off accordingly.

19.01.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

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