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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.46341 of 2023(O&M)
Decided on :- 15.12.2023

DEEPAK

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Chandan Singh Rana, Advocate for
for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under
Section 439 of the Code of Criminal Procedure for grant of regular bail to
the petitioner in the following case (Annexure P-1) :-

FIR No.	Dated	Sections	Police Station
95	13.07.2022	379-B IPC (411 IPC added lateron)	Daresi, District Police Commissionerate, Ludhiana.

2. It is *inter alia* contended by learned counsel for the petitioner
that the petitioner is innocent and has been falsely implicated in this case.
He submits that allegation against the petitioner is that he has snatched one
mobile phone from the complainant which lateron was recovered from him.
He submits that the petitioner is in custody since 14.07.2022, challan in the
case has already been presented in Court, charges have been framed on

01.07.2023 and out of 10 witnesses cited by the prosecution none of the witness has been examined till date, as such he prayed for grant of concession of bail.

3. Per contra, learned State counsel has opposed the bail application by arguing that considering the nature and gravity of offence, petitioner is not entitled for concession of bail. Learned Counsel for the State, filed the custody certificate dated 14.12.2023, the same is taken on record and has not controverted the fact that challan has been presented, charges have been framed, out of 10 witnesses cited by the prosecution none of the witness has been examined till date.

4. Considering the rival contentions and perusing the record, it transpires petitioner is in custody since 15.07.2022 in the present case, challan has already been presented in the Court, charges have been framed and out of 10 witnesses cited by the prosecution none of the witness has been examined till date; the conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner and no useful purpose would be served by detaining the petitioner any longer.

5. Consequently, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. It is further made clear that in case the petitioner is found involved in any other similar case, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.
7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
8. Pending application(s) shall also stand disposed of.

(SANJIV BERRY)

JUDGE

15.12.2023

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No