

2023:PHHC:158946

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

215

CRM-M-50680-2023

Date of Decision : 12.12.2023

CHANDER PARKASH

.....Petitioner

VERSUS

UNION TERRITORY OF CHANDIGARH

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr.Ankit Chowdhri, Advocate,
for the petitioner.

Mr. Shashank Bhandari, APP, UT, Chandigarh.

KULDEEP TIWARI. J.(Oral)

1. This first application filed under Section 439 Cr.P.C., is for grant of regular bail to the petitioner in case FIR No.7, dated 07.01.2023, under Sections 392, 34 IPC (and Sections 411 and 397 IPC, added later on), registered at Police Station Sector 31, Chandigarh.

2. The allegations against the petitioner are that he along with other co-accused snatched mobile and Rs 4,400/- from the complainant, by threatening him with a knife. Thereafter, the accused ran away from the spot.

3. Learned counsel for the petitioner submits that the petitioner was not named in the FIR, and he is not involved in any other criminal case. The name of the petitioner surfaced in the disclosure statement of the co-accused, and the recovery of knife from the petitioner does not connect him with the commission of crime. He further submits that the petitioner is behind the bars since 09.01.2023.

4. Upon notice, Mr. Sidakmeet Singh Sandhu, Addl. PP, UT, Chandigarh, has put in an appearance on behalf of the UT, Chandigarh and placed on record the custody certificate dated 12.12.2023, issued by Addl. Superintendent, Model Jail, Chandigarh.

5. The perusal of the custody certificate shows that the petitioner has undergone 11 months and 02 days as on today and he is not involved in any other criminal case. On instructions from ASI Parvinder Singh, learned State counsel submits that the final report under Section 173 Cr.P.C. has been filed through the SHO concerned, and charges have been framed by the learned trial court concerned on dated 12.09.2023. He further submits that the prosecution has cited total 11 witnesses in the final report and as on date, no witness has been examined till date. The next date of hearing before learned trial court concerned is fixed for dated 12.01.2024, for recording of prosecution evidence.

6. Considering the fact that the petitioner is not involved in any other criminal case and is behind the bars for approximately 10 months, and out of total 11 prosecution witnesses, none has been examined till date, this Court, deems it appropriate to grant the benefit of regular bail to the petitioner.

7. In sequel to the aforesaid, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

8. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

December 12, 2023
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No