

CRM-M-53364-2023**IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH****CRM-M-53364-2023****Date of decision : October 31, 2023**

Ajay Kumar

....Petitioner

Versus

State of U.T., Chandigarh

....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Mohan Singh Chauhan, Advocate, for the petitioner
Mr. Sidakmeet Singh Sandhu, Addl. PP, 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 7.1.2023, 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 4400/- from the complainant by showing him knife and they also threatened the complainant. 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 figured out in the

disclosure statement of the co-accused and 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 9.1.2023.

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 31.10.2023, issued by Addl. Superintendent, Model Jail, Chandigarh.

5. The perusal of the custody certificate shows that the petitioner has undergone 9 months and 21 days as on today and he is not involved in any other criminal case. On instructions from ASI Parvinder Singh, the 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 on dated 12.9.2023. He further submits that the prosecution has cited total 11 witnesses in the final report and as on date, no witness has been examined. The next date of hearing before the trial court is fixed for dated 17.11.2023, 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 11 prosecution witnesses, none has been examined, 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.

CRM-M-53364-2023

3

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.

October 31, 2023
'tiwana'

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned ?	Yes/No
Whether Reportable ?	Yes/No