

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No. 217

CRM-M-57476-2023

Date of Decision-20.11.2023

AMANDEEP

... Petitioner

Versus

STATE OF U.T. CHANDIGARH

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present:- Mr. J.S. Saneta, Advocate for the petitioner.

Mr. Manish Bansal, PP, U.T. Chandigarh.

HARPREET SINGH BRAR, J. (ORAL)

1. This is a first petition filed under Section 439 of Cr.P.C with a prayer for grant of regular bail to the petitioner in case FIR No.140 dated 30.08.2023, registered under Section 379-A & 34 of IPC, 1860 at Police Station, Sector-31, Chandigarh.

2. Learned counsel for the petitioner inter alia contends that the petitioner is not named in the present FIR and the mobile which is alleged to have been snatched from the complainant has been recovered from the possession co-accused namely Emdad Ahamad. The petitioner is a first time offender. He is suffering from seizures, vomiting giddiness, vertigo and ataxica as is reflected in the medical record of PGIMS (Annexure P-2).

3. Per contra, learned State counsel opposes the grant of regular bail to the petitioner on the allegations that the driving licence and photograph of the complainant have been recovered from the possession of the petitioner and as such his role is clearly established. Even during the test identification parade conducted by the investigating agency, the complainant has duly identified the petitioner.

4. Having heard, learned counsel for the parties and after perusing the record, it transpires that the petitioner is behind the bars since 28.08.2023 and the custody certificate supplied by learned State counsel indicates that he has already in custody for 2 months and 21 days. The investigation is complete and the challan has already been filed on 19.10.2023. Prosecution has cited 13 witnesses and out of which none has been examined so far.

5. Keeping in view the period of incarceration and since the challan has already been presented against the petitioner and the likelihood of trial being prolonged, the present petition is allowed. Culpability, if any, would be determined at the time of trial. No useful purpose would be served by further detention of the accused-petitioner.

6. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Amandeep 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.

7. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall be proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

20.11.2023
yogesh

Whether reasoned / speaking? Yes / No
Whether reportable? Yes / No