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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(240)

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Date of Decision:- 08.04.2024

Sagar Vij

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Ravi Malhotra, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition has been filed *inter alia* praying for grant of regular bail to the petitioner in case FIR No. 245 dated 28.11.2023, under Sections 379-B of the Indian Penal Code, 1860 and Sections 34, 411 IPC added later on, registered at Police Station Division 6, District Police Commissionerate, Ludhiana.
2. At the outset, status report by way of an affidavit of Mr. Brij Mohan, PPS, Assistant Commissioner of Police, Industrial Area-B, Ludhiana has been filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions. Copy thereof has been supplied to the learned counsel for the petitioner.
3. Custody certificate of the petitioner has also been filed by learned State counsel in Court today, which is taken on record, according to which the petitioner is in custody for the last 04 months and 05 days.

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4. Learned counsel for the petitioner submits that the petitioner has been entangled in the present petition only on the suspicion that the petitioner was driving the motorcycle and the main accused is a pillion rider, who snatched the bag containing cash. He further submits that the main accused is already in custody and fairly submits that the order passed in this case be not considered for parity *qua* any other accused.

5. Learned State counsel has vehemently opposed the grant of any concession to the petitioner as the entire incident was recorded in the CCTV footage and in fact, the petitioner was an accomplice in the commission of offence, however, could not deny the fact that the challan already stands presented and the petitioner has clean antecedents and there is no other case pending against him.

6. In light of the above and considering the fact that the petitioner is in custody for last 04 months and 05 days, the fact that the antecedents of the petitioner are clean and the trial is likely to take a long time, therefore, no useful purpose would be served by keeping the petitioner in custody, hence, the petitioner is entitled to the grant of the concession of regular bail.

7. Without commenting upon the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

- i. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ii. The petitioner will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will

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be available in his absence.

- iii. The petitioner will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- iv. The petitioner will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

8. It is made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

10. It is further made clear that this order shall not be construed as parity *qua* any other co-accused.

(ALOK JAIN)
JUDGE

April 08, 2024
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Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No