

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.14782 of 2023
Date of Decision: 03.04.2024

RAMANPetitioner

Vs
STATE OF UT CHANDIGARHRespondent

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. A.P. Kaushal, Advocate
for the petitioner.

Mr. Rajiv Vij, APP, UT, Chandigarh.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.13 dated 28.01.2023 registered under Sections 379-A, 34 IPC at Police Station Sector 39, Chandigarh.
2. Learned counsel for the petitioner submits that the petitioner has been implicated with the allegations of having snatched mobile phone of the complainant.
3. The prayer made on behalf of the petitioner has been vehemently opposed by learned Addl. Public Prosecutor while submitting that the petitioner is involved in one more case of similar nature bearing FIR No.14 dated 28.01.2023 registered under Sections 379-A/34/411 IPC at Police Station Sector 39, Chandigarh, besides, one case under the provision of NDPS Act and, thus, considering the antecedents of the petitioner, he does not deserve concession of regular bail.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.
5. In the present case, the petitioner has sought bail in FIR No.13 dated 28.01.2023 and the investigation in the said FIR has already been concluded with the filing of challan followed by framing of charges and the trial is going on. The custody of the petitioner is already more than 01 year and 02 months. As regards the involvement in other case bearing FIR No.14 dated 28.01.2023, learned counsel for the petitioner referred to the statement made by the complainant before the Trial Court on 18.08.2023, wherein she has not supported the prosecution version regarding implication of the petitioner in the said FIR.
6. Considering the totality of facts and circumstances of this case; the petitioner has already suffered incarceration for a period of 01 year and 02 months and the trial is likely to take sometime in its culmination, I do not find any justification to extend the incarceration of the petitioner.
7. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.
8. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

April 03, 2024

Atik

Whether speaking/reasoned

Whether reportable

(HARKESH MANUJA)

JUDGE

Yes/No

Yes/No