

(215)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16006-2024
Date of Decision: 22.04.2024

CHARANJIV ARORA @ RICKY

... Petitioner

Versus

STATE OF U.T. CHANDIGARH

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Tanu Bedi, Advocate with
Mr. Akhil Dadwal, Advocate
for the petitioner.

Mr. Manish Bansal, PP. U.T., Chandigarh with
Mr. Shubham Mangla, Advocate
for the respondent-U.T.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.208 dated 17.12.2023 registered under Sections 379-A, 34 IPC (Sections 411, 473 IPC added later on) at Police Station South, Sector 34, Chandigarh.

2. The present FIR came to be registered at the instance of Seema D/o Raj Kumar and the same reads as under:-

“Statement of Seema d/o Raj Kumar r/o H.No. 1850, Village Burail, Chandigarh aged 24 years. Stated that I am residing at the above said address alongwith my family. I am serving in Gleuhr Skin and Dental Clinic, H.No. 192, Sector 21-A, Chandigarh as a Skin Therapist. After getting relieved from my duties, I reached at Petrol Pump Sector 33 in an auto and was going to meet my uncle in H.No. 1371, Sector 33-C, Chandigarh. When I reached near House No.1237, Sector

33-C, Chandigarh, two boys riding on a motorcycle came close to me from behind. It was around 8:25 pm. The pillion rider of the motorcycle snatched my mobile phone, make I-phone 14 Pro from me and thereafter, both of them fled away from the spot. Both the boys were not wearing any helmet. My mobile contained SIM No.7901995923 and IMEI No.352213577877411. However, I could not note down motorcycle number out of fear. Strict legal action may be taken against above said motorcycle-borne boys. I can identify them on seeing them again. The statement has been recorded, read, heard and it is correct. sd/- Seema, DOB 23.04.1999.”

3. The learned counsel for the petitioner contends that pursuant to the conclusion of the investigation, a report under Section 173 Cr.P.C. was presented against the accused including the petitioner but so far as the petitioner was concerned, the same had been presented under Section 411 IPC. The offence was punishable by imprisonment upto 03 years. As the petitioner was in custody since 21.12.2023 but none of the 17 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail moreso when in two other cases registered against him arising out of FIR No.207 dated 16.12.2023 U/s 379-A, 34 IPC (Sections 411, 473 IPC added later on) P.S. South, Sector 34, Chandigarh and FIR No.194 dated 03.12.2023 U/S 379-A of the IPC, 1860 and (Section 411 IPC added later on) P.S. South, Sector 34, Chandigarh, he had been granted the similar concession by this Court vide orders dated 08.04.2024 passed in CRM-M-15996-2024 and CRM-M-16003-2024.

4. A status report dated 20.04.2024 by way of an affidavit of Dalbir Singh, SDPO South has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, he contends that the petitioner was clearly liable for having committed the offence punishable under Section 411 IPC. Therefore, he was not entitled as prayed for. He, however, concedes that the petitioner was in custody since 21.12.2023, none of the 17 of the prosecution witnesses had been examined so far and that in two other cases registered him, he had been granted the concession of bail.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner in custody since 21.12.2023 and none of the 17 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Charanjiv Arora @ Ricky son of Tirath Ram is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

22.04.2024

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No