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2024:PHHC:047103

CRM-M-16003-2024
Date of decision : 08.04.2024

Versus

“xxx Stated that I am a resident of above-mentioned address, where I am residing alongwith my family members. I have retired from Panjab University as a Deputy Registrar. Today evening, after having my dinner, I was walking on the road and talking with my mother, who lives in Panchkula, on phone. That around 8:20 pm, when I reached in front of H.No.180, Sector 45-A, one boy came from the front side on a motorcycle and stopped. Suddenly he

pounced at me and snatched away my mobile phone and then fled away from the spot on his motorcycle. It being dark, I could not note down number of motorcycle. When I raised noise, my husband came at the spot. My husband called the police. Thereafter, you came at the spot. That one unknown motorcycle rider has snatched my mobile phone I-phone (SE) colour Black with SIM No.94634-05504. I had put password 3011 on the same. The accused snatched my mobile phone all of a sudden and fled away from the spot. I can identify him on seeing him again. Police action may be taken against above said motorcycle rider. Statement has been got recorded, read, heard and it is correct. sd/- Pawan Khurana xxx”

4. The petitioner was nominated on the basis of disclosure made by co-accused to the effect that the snatched mobile was sold to the petitioner. Counsel for the petitioner thus submits that at the most it will be offence punishable under Section 411 of the Indian Penal Code that will be attracted *viz-a-viz* the present petitioner. Investigation stands concluded and Challan stands presented. Thus, there can't be any apprehension that the petitioner shall tamper with the evidence.

5. Per contra, bail plea is being opposed by Mr. Manish Bansal, Ld. Public Prosecutor representing U.T., Chandigarh who submits that the petitioner is a habitual offender having two more FIRs involving similar allegations and thus the petitioner being a habitual offender does not deserve relief of regular bail.

6. I have heard counsel for the parties and have gone through records of the case.

7. Without commenting on the merits of the case, keeping in view the fact that the petitioner is behind bars for more than 3 months and 18 days

since 22nd of December, 2023 and is accused of offence punishable under Section 411 IPC coupled with the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

April 08, 2024		(Pankaj Jain)
Dpr		Judge
	Whether speaking/reasoned	: Yes/No
	Whether reportable	: Yes/No