



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.18711 of 2024
Date of Decision: 06.08.2024

Robin Kumar ... Petitioner

Versus

State of U.T. Chandigarh ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Suresh Kumar Dhiman, Advocate,
for the petitioner.

Mr. Akashdeep Singh, Addl. P.P. U.T. Chandigarh.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
13	18.02.2024	Mauli Jagran, District Chandigarh	379A, 411 and 34 of IPC

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of a complaint lodged by the complainant Ram Avadh alleging therein that he was residing in Sunder Nagar, Chandigarh and used to go to Rajpura daily as he was working in FCI as a labourer. On 17.02.2024 while going back towards his house from his work place, he had alighted from a vehicle at Hallo Majra light point and while he was on way

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towards his house at about 9:40 PM, suddenly two youths intercepted him. One of them snatched his mobile phone whereas the other took an amount of Rs.5000/- and Aadhar Card from the pocket of his shirt and then they fled away. He prayed for taking action against them. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 24.02.2024. The snatched mobile phone was recovered from him. The co-accused Rahul Saini was also arrested and cash amount of Rs.1300/- and Aadhar card of the complainant were recovered from him. Investigation has since been completed. Challan has been presented. The petitioner moved an application for grant of regular bail which was dismissed by the Court of learned Sessions Judge, Chandigarh on 19.03.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. A false recovery has been planted upon him. He is in custody since 24.02.2024. The trial is likely to take time. No useful purpose would be served by keeping him in custody. As such, it is argued that he deserves to be released on bail.

4. Status report has been filed on behalf respondent No.1-U.T. Chandigarh and the same is taken on record. Learned Addl. P.P., U.T. Chandigarh has argued that there are serious allegations against the petitioner as he snatched the mobile phone from the complainant. The same was recovered from him. There are chances of his absconding if extended benefit of bail. Hence, it is argued that he does not deserve to be released on bail.

5. I have heard learned counsel for the petitioner as well as learned

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the record.

6. The petitioner is alleged to have snatched the mobile phone belonging to the complainant on the night of 17.02.2024 whereas the co-accused had snatched cash amount of Rs.5,000/- and Aadhar card of the complainant. The petitioner is in custody since 24.02.2024. Investigation has been completed. The petitioner does not have criminal antecedents. Trial will take time. No useful purpose would be served by keeping him in custody any more. Keeping in view the nature of the subject offences, the period of incarceration of the petitioner and the principle that the bail is the rule and jail is an exception, I am of the opinion that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

06.08.2024
manju/Parveen Sharma

(MANISHA BATRA)
JUDGE

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