



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M -24745-2024

Date of Decision : **August 01, 2024**

KRISHAN LAL SHARMA

.....Petitioner

VERSUS

STATE OF UT CHANDIGARH

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Yatin Bunger, Advocate
for the petitioner.

Mr. Akashdeep Singh, Addl. PP for UT, Chandigarh with
Mr. Gaurav Vir Behl, Advocate.

KULDEEP TIWARI, J. (Oral)

1. Through the instant second petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.203 dated 19.12.2021, under Sections 328, 379 and 411 IPC, registered at Police Station Sector-17, Chandigarh.

2. On the statement of one Rajinder Singh, the present FIR has been registered, wherein, he alleged that he is a cloth merchant and has gone to Delhi in a roadways Bus to buy clothes. A person, aged about 55 years was boarded in the bus from Chandigarh and sitting besides him from Bus Stand. The said person, who was sitting with him, offered him biscuit at Zirakpur and after eating the biscuit, he started feeling sleepy and got unconscious and thereupon, the Conductor got him admitted to Balbgarh

Hospital, Haryana from where he was referred to Delhi Shafdarganj Hospital. The complainant regained his consciousness after two days and came to know that his mobile phone, Rs.30,000/- in cash, a gold ring and his wallet were stolen. On the basis of the above statement, the instant FIR has been registered and during investigation, the present petitioner was arrested.

3. Learned counsel for the petitioner in the asking for the relief (supra), submits that though the petitioner is stated to be involved in one other case, but in that case, he has already been acquitted and in the instant case, he has suffered incarceration of about 2 years, 7 months and 6 days.

4. The learned State counsel, on the other hand has placed on record the custody certificate and opposed the grant of regular bail to the petitioner. He further submits that the petitioner is the sole accused, who administered poisonous biscuit to the complainant and thereupon, looted the articles.

5. Be that as it may, this Court has considered the rival submissions of the learned counsel for the parties and is of the view that the present petitioner deserves to be released on regular bail for the reason that he has suffered incarceration for about 2 years, 7 months and 6 days as on today and in one other case in which he is stated to be involved, he has earned acquittal and out of total 16 cited witnesses in the final report, 14 witnesses have already been examined and, therefore, considering all the above facts and circumstances, this Court is of the view that further incarceration of the petitioner is not warranted.



6. In view of the above discussion, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

7. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

8. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

August 01, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No