

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-41869-2023 (O&M)
Date of decision: 13.02.2024

SandeepPetitioner.

Versus

State of UT ChandigarhRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Vikas Sheel Verma, Advocate,
for the petitioner.

Mr. Rajiv Vij, APP UT, Chandigarh

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SANJIV BERRY, J. (ORAL)

CRM-35338-2023

1. Keeping in view the averments made in the application, exemption from filing the certified copies of Annexure P-1 to P-3 and exemption to place on record the legible copies of Annexure P-1 is allowed as prayed for.

2. Disposed of.

Main case

1. Custody certificate dated 13.02.2024 filed by learned State counsel is taken on record.

2. Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR (Annexure P-1). Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
166	17.10.2022	379-A IPC and (411 IPC added lateron)	Sector 31, Chandigarh

3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. He further contends that the petitioner is in custody since 22.10.2022 and even during the course of trial, the complainant of the case, while appearing as PW-1 has not lent any support to the case of the prosecution and has not identified the petitioner.
4. Learned counsel for the petitioner further contends that conclusion of the trial will take sufficient long time and keeping in view the testimony of the complainant, the petitioner be granted concession of bail.
5. On the other hand, learned Additional Public Prosecutor for U.T. Chandigarh, has opposed the concession of bail to the petitioner by arguing that the petitioner has committed a heinous crime and does not deserve any leniency.
6. Considering the respective arguments and also perusing the record, including the status report dated 20.09.2023 filed by way of affidavit of Deputy Superintendent of Police, SDPO/South Sub, Division on behalf of U.T. Chandigarh, it is observed that the petitioner was arrested in this case on 22.10.2022 on the allegation of having snatched the mobile phone of the complainant. However, during the course of trial, the complainant while appearing in the witness box as

PW-1 has turned hostile. The prosecution has cited as many as 12 witnesses and therefore, examination of the prosecution witnesses will take sufficient long time, therefore, considering the facts and circumstances of the case, without commenting on the merits thereof, instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

7. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

9. Petition stands allowed.

13.02.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |