

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

275

CRM-M-137-2024

Date of Decision: 15.01.2024

Shubham @ Shiva Kumar @ Shivam

.....Petitioner

Versus

State of U.T, Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN**Present:** Mr. Amit Kashyap, Advocate for the petitioner.Mr. Manish Bansal, APP, UT, Chandigarh assisted by
ASI Padam Singh.

ALOK JAIN, J. (Oral)

1. The present petition is for grant of regular bail to the petitioner in case FIR No.29 dated 22.03.2022 under Sections 379A (added 411), 34 IPC, registered at Police Station Sector 11, Chandigarh.

2. Learned counsel for the petitioner submits that the petitioner is a young boy and was doing part time job in Swiggy as a delivery partner and has been falsely implicated in the present FIR. He further submits that the petitioner is in custody since 01.04.2022. Learned counsel for the petitioner submits that the first bail application of the petitioner was dismissed as withdrawn on 13.12.2022 with liberty to file a fresh petition after examining the complainant or in case of substantial change of circumstances. Learned counsel for the petitioner submits that subsequently the other co-accused Gagandeep @ Gaggu has been granted the concession of bail on 18.07.2023, however could not deny the fact that till date the complainant has not been

3. Learned APP for the UT, Chandigarh has vehemently opposed the grant of concession of bail to the petitioner on the ground that the co-accused has jumped the bail granted to him.

4. Per contra, learned counsel for the petitioner re-asserted that the complainant is not coming forward to testify and bailable warrants have been issued against him and now the matter is fixed for 13.03.2024 for which appropriate orders have been passed by the court below.

5. Learned counsel for the petitioner re-asserts that the petitioner is in custody for last more than 1 year, 9 months and 14 days and the trial is being procrastinated without there being any fault on the part of the petitioner.

6. Heard the learned counsel for the parties.

7. In view of the above, without commenting upon the merits and considering the long incarceration of the petitioner, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. He shall, however, be released on the following conditions:

- ◆ The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ◆ He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- ◆ He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- ◆ He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

8. The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.
9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.
10. It is made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of the condition(s) of bail.
11. In case the petitioner jumps or violates any condition (s) of bail and is apprehended thereafter he shall not be entitled to any relief in future.

15.01.2024

Rajeev (rvs)

(ALOK JAIN)

JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No