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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-99-2024
Date of decision:- 01.02.2024

AADITYA SUDAI @ CHINKU

....Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Shubham Gupta, Advocate for the petitioner.
Mr. Harpreet Singh, Addl. AG, Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
18	01.02.2023	379-B, 34 IPC (411, 413, 414 IPC added later on)	Focal Point, District Ludhiana

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that alleged mobile phone of the complainant has been recovered from the co-accused Piyush Bansal who has been granted concession of bail by learned Additional Sessions Judge, Ludhiana vide order dated

09.06.2023. He further submits that no other case is pending against the petitioner and challan has already been presented in Court and out of 9 witnesses cited by the prosecution none of the them have been examined till date, as such he prays for grant of concession of bail to the petitioner.

3. Learned State counsel contends that considering the nature and gravity of the case, petitioner is not entitled for concession of bail. However he has not controverted the factual matrix of the case.

4. After considering the rival contentions and going through the record, it transpires, alleged recovery of mobile phone of the complainant has been made from the co-accused Piyush Bansal who has been granted concession of bail by learned Additional Sessions Judge, Ludhiana vide order dated 09.06.2023. The petitioner is in custody since 03.02.2023, challan has already been presented in Court, meaning thereby, the petitioner is not required for further interrogation and prosecution has cited 9 witnesses and none of them have been examined so far. The conclusion of trial in the present case to ascertain criminal liability, if any, may take sufficient long time and no useful purpose would be served by keeping the petitioner behind bars any longer.

5. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave

the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

01.02.2024

<i>Gyan</i>	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No