

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

Crl.Misc.No.M-17447 of 2015(O&M)

Date of Decision : 24.07.2015

Darvesh Kumar @ Devraj

....Petitioners

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr. Mahipal Singh, Advocate for the petitioner

Mr. Anmol Malik, AAG, Haryana

MAHESH GROVER, J.

The petitioner prays for grant of regular bail in terms of Section 439 Cr.P.C in case FIR no. 30 dated 27.1.2015 registered under Sections 392, 397, 34 IPC and Sections 25, 57, 59 of Arms Act at Police Station Sector 56, Gurgaon.

According to the allegations in the FIR the complainant was near an eatery and disembarked his car to ease himself. On return when he was about to sit in his car two boys alighted from a santro car which was already parked near his car and one of them put gun on his chest and asked for the keys of car and then took away his car.

Learned counsel for the petitioner contends that thereafter a test identification parade was conducted where the petitioner was not identified. He further contends that according to the police the vehicle was recovered on the same day barely 10 kms away from the site of occurrence which is highly improbable.

Learned counsel for the respondents points to the serious nature of the offence to oppose prayer for bail.

After hearing learned counsel for the parties and noticing the fact that prima facie there is some material to show that the petitioner was not identified by the complainant and also the fact that the petitioner is in custody since 27.1.2015 and the fact that trial may take some time, instant petition is accepted. It is directed that the petitioner shall be released on bail in terms of Section 439 Cr.P.C. Bail to the satisfaction of the learned Trial Court.

Nothing said herein shall be construed to be an expression of opinion on the merits of the case.

July 24, 2015
rekha

(Mahesh Grover)
Judge