

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

**C.R.M-M No.20132 of 2016
Date of Decision : 14.07.2016**

Irshad

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Saleem Ahmed, Advocate
for the petitioner.

Mr. Satish Saini, DAG, Haryana.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.728 dated 05.12.2015, registered under Sections 148, 149, 302, 323, 341 IPC, at P.S. Sonipat City, District Sonipat.

As per the allegations, the complainant had to take money from the father of the main accused. When he reached there in the form

of a Panchayat they were attacked by the accused and his family members and there were 5-6 unknown persons whom he could recognize.

Learned counsel for the petitioner has argued that on being arrested the main accused suffered a disclosure statement but did not name the petitioner and it was only in the second disclosure statement the main accused named the petitioner as one of those unknown persons.

In my opinion, it would be in the interest of justice if the petitioner would appear before the IO alongwith his counsel (in case if he so desires) where the I.O. will arrange Test Identification Parade. In case the complainant failed to recognize the petitioner the I.O. shall release the petitioner on bail subject to the conditions envisaged under Section 438(2) Cr.P.C. and if on the other hand the complainant fails to recognize the petitioner he would be liable to be taken into custody.

Let the petitioner appear before the I.O. on 21.07.2016 in the aforesaid manner.

Petition stands disposed of in the above terms.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

July 14, 2016