

CRM-M No.22067 of 2016

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

C.R.M-M No.22067 of 2016

Date of Decision : 01.08.2016

Rakesh Kumar

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. L.M. Gulati, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Addl.A.G., Haryana.

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.203 dated 18.06.2016, registered under Section 379-B IPC, at Police Station Pinjore, District Panchkula.

On 08.07.2016 the following order was passed:-

“This is a petition for anticipatory bail in case bearing FIR No. 203 dated 18.06.2016 under Section 379-B IC, registered at Police Station Pinjore, District Panchkula.

Learned counsel for the petitioner has argued that the

petitioner was not named in the FIR. Learned Addl.AG on the other hand points out that in the FIR it was alleged by the complainant that he was an employee of a liquor shop and 2-3 boys who used to regularly purchase liquor from him came to the shop at closing time and first asked him for a bidi and when he refused they assaulted him and took away about Rs. 4000/- odd lying in the galla. The complainant further stated that though he did not know the names of the boys but he would be able to identify them in case they are brought before him.

In my opinion it would be appropriate if the petitioner appears before the investigating officer. The investigating officer shall conduct a test identification parade and, in case the complainant is not able to identify the petitioner, shall release him on bail to his satisfaction. If, on the other hand, the complainant is able to identify the petitioner in the test identification parade, the petition would be deemed to be dismissed. It is further clarified that the petitioner shall be allowed to be accompanied by his counsel when he appears before the investigating officer. Let the petitioner now appear before the investigating officer on 20.07.2016 for this purpose.

The matter is adjourned to 01.08.2016.

In the meantime the arrest of the petitioner shall remain stayed.”

Today the learned Additional Advocate General on instructions from ASI Bartu Ram has accepted that the Test

Identification Parade was duly carried out but the complainant was unable to identify the petitioner.

In the circumstances, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner.

Resultantly, the petition is allowed. In the event of arrest of the petitioner, he shall be released on bail by the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

The petitioner is directed to appear before the investigating officer on 09.08.2016 and on any other date as and when his presence is required. In case the petitioner does not appear before the investigating officer in the aforesaid manner the present petition would be deemed to have been dismissed.

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

August 01, 2016
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No