

207

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

**C.R.M-M No.22281 of 2016
Date of Decision : 02.09.2016**

Asfak

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Jagjot Singh, 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.733 dated 17.11.2015, registered under Sections 384, 388, 389, 120-B IPC and Sections 66, 66A of the I.T. Act, at P.S. City Palwal, Haryana.

Learned counsel for the petitioner has argued that the petitioner has not been named even in the statement of the complainant in Court.

Learned Additional Advocate General on instructions from Head Constable Sanjit Kumar however points out that even as per the statement of the complainant before the Court there was one more person whom he would be able to identify. He has made a very practical and fair suggestion. He has stated that the petitioner should appear before the Investigating Officer and the Investigating Officer will conduct a test identification parade as per rules. In case the complainant is not able to identify the petitioner bail can be granted and in case the complainant makes a positive identification of the petitioner the Investigating Officer should be permitted to take him into custody.

Learned counsel for the petitioner states that he has no objection to this course of action.

In the circumstances, let the petitioner appear before the Investigating Officer on 08.09.2016 and thereafter let the test identification parade be conducted by the investigating officer and in case the complainant is not able to make a positive identification bail be granted to the petitioner to the satisfaction of the IO. However, in case

the complainant makes a positive identification of the petitioner then he be taken into custody forthwith and the present petition would be deemed to have been dismissed.

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.

September 02, 2016

ashish /anuradha

(**AJAY TEWARI**)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No