

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-3782 of 2016 (O&M)
Date of Decision: 17.05.2016

Vikash @ Vikas

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Akashdeep Singh, Advocate for the petitioner.

Mr. Anmol Malik, A.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.327 dated 6.8.2015 under sections 392, 34 I.P.C and section 25 of Arms Act (sections 397, 341 I.P.C were added later on), registered at Police Station, Murthal, District Sonapat.

Learned counsel for the parties have been heard.

F.I.R came to be registered at the instance of Anand Parkash. Allegations are that on 5.8.2015 at about 10:05 P.M, the complainant while going on a motorcycle was accosted by three young boys and who on pistol point took away the motorcycle, two mobile phones, purse containing Rs.500/- and other documents in the nature of Driving License, Identity Card, R.C, A.T.M Card etc.

During the course of investigation the present petitioner was arrested on 16.8.2015.

As per prosecution version, the motorcycle stands recovered from the present petitioner as also co-accused Vineet. That apart, the country made pistol is also stated to have been recovered from the present

petitioner.

It has gone uncontroverted that in the trial that has ensued complainant Anand Parkash inspite of having been served summons has chosen not to appear.

Contention raised by counsel appearing for the petitioner is that even test identification parade was not conducted by the investigating agency.

Without making any observations on merits and coupled with the length of incarceration already suffered by the petitioner, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Sonapat.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

17.05.2016

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