

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-10127-2017

Date of Decision: 25.04.2017

Amit @ Lukka

.....Petitioner

vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Jarnail S. Saneta, Advocate,
for the petitioner.

Mr. Vikas Chopra, D.A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C., for grant of 'regular bail' to the petitioner, in case FIR No. 557 dated 11.09.2016, registered at Police Station Samalkha, District Panipat, for the alleged commission of offences punishable under Sections 341/365/395/397/34 of the IPC.

As per the affidavit filed on the last date of hearing, of the Superintendent of Police, Panipat, it has been stated therein that departmental proceedings have been initiated against one ASI Mahabir Singh. According to the Superintendent of Police, a Test Identification Parade was necessary in this case but was not carried out, with the aforesaid person being Investigating Officer.

Section 54-A of the Code of Criminal Procedure, 1973, puts the onus on conducting a Test Identification Parade on the officer in-charge of

the Police Station and not upon the Investigating Officer.

The Superintendent of Police shall file another affidavit stating therein as to why in the aforesaid circumstances, the inquiry has been conducted against the aforesaid ASI Mahabir Singh and not also/only against the SHO concerned.

As regards the facts of this case, learned counsel for the petitioner submits that the petitioner was therefore never identified by the complainant and eventually was named only by the co-accused, who are also stated to have been arrested actually in another case.

Keeping in view the aforesaid facts and the fact that the petitioner has been in custody since October 2016 with the case still to be committed to the Court of Session, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial Court.

However, for the purpose of going into the reasons to be given by the Superintendent of Police, in the affidavit to be filed by him, adjourned to 19.05.2017.

To be shown in the urgent cause list.

A copy of this order be given to learned State counsel under the signatures of the Special Secretary of this Court.

(AMOL RATTAN SINGH)
JUDGE

April 25, 2017

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Whether speaking/reasoned

Yes

Whether Reportable

Yes.