

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-12488 of 2017

Date of decision : April 21, 2017

Aabid @ Galu

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Parveen Sharma, Advocate, for the petitioner
Mr. Munish Sharma, AAG, Haryana, for the respondent

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Aabid @ Galu in this regular bail application under section 439 Cr.P.C. are that on 5.4.2016 at police naka the petitioner along with his co-accused non-applicants Chhibba, Akram and Ajar were signalled who were going on motorcycle bearing registration No. HR-27-0141 and who fired at the police party and managed to escape and subsequently the petitioner was arrested.

The contentions of the counsel for the petitioner are that the petitioner is not named in the FIR and at belated stage the name of the petitioner has cropped up and nothing is recovered from the petitioner who is in custody since 5.1.2017.

The learned State counsel has sought to oppose the bail application but squarely admitted that nothing has been recovered from the

petitioner and that no test identification parade has been conducted till date.

Appreciating the submissions, admittedly the petitioner was neither identified at the time of occurrence and no test identification parade has been conducted to reveal his identity at the time of occurrence nor any recovery has been effected from the petitioner who is in custody since 5.1.2017 and the fact that the trial is not likely to be concluded in near future, without adverting to the merits of the case, the instant application is allowed. Bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Nuh.

The present petition stands disposed off accordingly.

The observations made herein above shall not be binding on the trial court at the time of trial as these are purely for the disposal of the present bail application.

April 21, 2017
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No