

Versus

2. CRM-M No.44591 of 2016

Versus

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Mr. Manish Bansal, DAG, Haryana
for the respondent-State.

DEEPAK SIBAL J. (ORAL)

Seeking regular bail of the petitioner(s), learned counsel for the petitioner(s) submits that the petitioner(s) are not named in the FIR; during the course of trial, the complainant has specifically stated that the petitioner(s) are not the boys who had robbed him; that the petitioner(s) have been in custody for the last about 05 months; the petitioner(s) are the young men of 19 and 20 years respectively; there is no other criminal case

pending against the petitioner(s) and that since till date only 04 prosecution witnesses out of 17 have been examined, the trial is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail on the ground that the petitioner(s) have robbed a Government servant and recoveries linking them to the crime were effected from them.

As per the FIR, there were three persons, who had allegedly robbed the complainant. Out of the three, one person namely, Ajay was stated to be known to the complainant, who had further stated that the other two persons could be identified by him.

On a query posed, learned State counsel fairly stated that no Test Identification Parade was conducted during the course of investigation. Further, the complainant has appeared before the trial Court as PW-4 and has specifically denied that it is the petitioner(s), who were the two unknown persons out of three, who had robbed him.

In view of the above as also for the reasons that there is no other criminal case pending against the petitioner(s), who are young men aged 19 and 20 years respectively and that only 04 prosecution witnesses out of the 17 have till date been examined, in my opinion, no useful purpose would be served in keeping the petitioner(s) behind the bars.

Resultantly, while allowing the petitions, it is directed that the petitioner(s) be admitted to regular bail to the satisfaction of the trial Court.

Nothing observed hereinabove shall be considered to be an expression of opinion by this Court on the merits of the case.

In case, the petitioner(s) are found indulging in any other criminal activity/misusing the concession of bail, it will be open to the State to move an appropriate application before the Competent Court/this Court for cancellation of the granted to the petitioner(s) through this order.

February 16, 2017
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No