

S.No.218

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

CRM-M-52873 of 2018 (O&M)

Date of Decision:06.12.2018

AjayPetitioner

Vs.

State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Uday Chauhan, Advocate
for the petitioner.

Mr. Vijesh Sharma, DAG, Haryana.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.0179 dated 18.08.2018 registered under Sections 379B and 34 IPC at Police Station Panipat Sadar, Panipat.

Counsel for the petitioner contends that admittedly the petitioner was not arrested from the spot. No test identification parade in the presence of the Magistrate was got conducted by the Police. Therefore, the identity of the petitioner in the crime has not been established, as such. Still further, it is contended that the recovery of the alleged snatched motor cycle ; is from the premises of some other person named as Billu. However, that person is not even an accused in this case. The challan in the case has already been filed and the charge has been framed. But no evidence has been led by the prosecution so far. The petitioner is in custody since 29.08.2018. He his not required for any further investigation purposes.

On the other hand, learned counsel for the State, being instructed by ASI Mahavir, submits that the petitioner is a habitual offender

as there are three more cases of similar nature against the petitioner. However, it is not disputed that no test identification parade was got conducted in the presence of the Magistrate.

In response to the submissions made by the learned State counsel, the counsel for the petitioner has submitted that though there are three more cases against the petitioner, however, the petitioner has already been released on bail pending trial, in all those three cases.

In view of the above, but without commenting any further upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

December 06, 2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No