

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

CRM-M No. 1070 of 2019 (O&M)
Date of decision : February 04, 2019

Ajay Kumar @ Ajju @ Ajaypal Singh
..... Petitioner

v.
State of Punjab
..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Vikasdeep Singh, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG Punjab

Ajay Tewari, J (Oral)

CRM No.1608 of 2019

This application is allowed and the document, Annexure P-1, is
taken on record.

CRM-M No.1070 of 2019

The petitioner seeks grant of anticipatory bail in case FIR
No.276, dated 25.9.2018, registered under Sections 379-B/34 of the IPC, at
Police Station Sultanpur Lodhi, District Kapurthala.

Allegations are that the petitioner along with co-accused
stopped the motor cycle of the complainant. The co-accused showed a datar
to the complainant and thereafter the petitioner took out the key of the
complainant's motor cycle and threw it away and subsequently he was

robbed of his mobile, cash, identity card etc.

Counsel for the petitioner has argued that the FIR was lodged 26 days after the alleged incidence. Learned DAG Punjab, on instructions from ASI Manjit Singh, states that the co-accused was arrested and even snatched mobile phone was ultimately recovered. The contention of counsel for the petitioner is that as a matter of fact the petitioner was neither at the spot nor does he know the accused or the complainant and a false case has been foisted against him for unknown reasons.

In the circumstances, I deem it appropriate to direct the respondent to arrange a test identification parade on 26.02.2019. Ordered accordingly. On that date, the petitioner will appear before the Investigating Officer and in case the complainant is able to identify him in the test identification parade, he would be taken into custody and this petition would be deemed to be dismissed. If, however, the complainant is not able to identify the accused, the Investigating Officer will release the petitioner on anticipatory bail to his satisfaction subject to the compliance of the provisions as contained in Section 438(2) of the Cr.P.C.

This petition stands disposed of.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

February 04, 2019
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No