

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

**CRM-M No.4442 of 2019 (O&M)
Date of decision : 09.04.2019**

Sombir @ Vikram

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Prateek Rathee, Advocate for
 Mr. Rajat Gautam, Advocate
 for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.1024 dated 05.10.2018 registered under Sections 379 B/395/397 IPC and Section 25 of Arms Act, 1959 at Police Station Jhajjar.

As per the allegation the complainant was travelling from Gurugram to Rohtak and when he stopped to attend the call of nature three boys on a motor cycle came, looted him of his money, his mobile phone and his car and escaped. Subsequently, the petitioner was arrested in another case and on disclosure he admitted to have committed this crime also.

Learned counsel for the petitioner has argued that the petitioner

has now been in custody for more than 5 months and apart from the

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disclosure statement there is no evidence against him. He asserted that had it been a case where after the arrest of the petitioner the police had arranged a test identification parade and the petitioner had been identified by the complainant in a test identification parade. There may have been some justification for holding him in jail but in the present case there is no evidence worthwhile.

Learned State counsel on instructions from ASI Manjit has accepted that the petitioner was arrested on the basis of his disclosure in another case. It is also accepted that no test identification parade was carried out.

I failed to understand why in such cases where there are no allegations that the accused were in muffled faces, the police does not immediately arrange a test identification parade because if the accused is identified in the test identification parade it becomes substantive evidence. Is it because the police is not confident that the persons they have arrested are involved in the case? Who knows !

Custody certificate dated 08.04.2019 filed by way of affidavit of Anil Kumar, Dy. Supdt., District Prison (Jhajjar), Haryana on behalf of State is taken on record. Copy supplied to the counsel opposite. As per the custody certificate the petitioner has been in custody for 5 months and 17 days and he is also involved in other case.

Be that as it may and keeping in view the above facts and the period of incarceration already suffered by the petitioner and without going into the merits of the case, I deem it appropriate to release the petitioner on

regular bail to the satisfaction of the concerned CJM/Illaqa Magistrate/Duty Magistrate.

It is however made clear that in case he does not submit the bail bonds he would not be able to count the period beyond today as custody in the present case.

Ordered accordingly.

Petition stands allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

09.04.2019

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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No