

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

273

**C.R.M-M No.9113 of 2019
Date of Decision : 18.03.2019**

Krishan

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Narender Kaajla, Advocate
for the petitioner.

Mr. Gaurav Bansal, A.A.G., Haryana.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.288 dated 21.09.2018 registered under Sections 392, 395, 397, 120-B IPC and Sections 25, 25(1) (A) of the Arms Act at Police Station Narnaund, District Hissar (Hansi)

As per the allegations, three persons had looted the bank and two of them were wearing helmet and face of one of them was muffled. Two persons were arrested and they named three other co-accused and stated that the petitioner was one of the co-accused who was wearing a helmet.

On the first date, the following order was passed:-

“Notice of motion.

*On the asking of the Court, Mr. Himmat Singh, DAG,
Haryana accepts notice on behalf of the respondent-State.*

Counsel for the petitioner undertakes to supply a copy of

the paper book to the learned DAG during the course of the day.

Adjourned to 7.3.2019.”

On the first date, the following order was passed:-

“Notice of motion.

On the second date, the following order was passed:-

“The petitioner seeks grant of anticipatory bail.

Counsel for the petitioner has argued that as per the FIR, three persons had entered the premises of the bank and had looted a sum of Rs.2.5 lakhs. Uptill now the police has arrested five persons and the petitioner is the sixth person who is sought to be arrested. There was no way to identify the accused persons because as per the complaint three persons who had entered the premises had muffled their faces.

Learned DAG Haryana, on instructions from SI Jagdish Chander, states that the petitioner is visible in the CCTV footage, and seeks a short adjournment to bring those footage so that the same can be shown to counsel for the petitioner.

Adjourned to 14.3.2019.”

Today there is still dispute between the parties as to whether the petitioner can be identified as per the CCTV footage because it is admitted that the face was not visible. However, as per the learned Assistant Advocate General it is not impossible to identify a person positively (by stature, by mannerism etc.) even if the face is not visible.

In the circumstances, I deem it appropriate to direct the petitioner to surrender before the IO and the IO will arrange a Test Identification Parade where all the persons will be wearing a similar helmet. Ordered accordingly. The petitioner alongwith other persons will be presented before the bank staff and in case the petitioner is identified this

petition would be deemed to be dismissed but in case he is not identified, the IO will release him on bail subject to the conditions envisaged under Section 438 (2) Cr.P.C. Let the petitioner appear before the IO for conducting this exercise on 28.03.2019.

Petition stands disposed of in the above terms.

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

March 18, 2019
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No