

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15129-2019 (O&M)

Date of decision:05.04.2019

Sahil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Kulvir Narwal, Advocate
for the petitioner.

Mr. Munish Dev Sharma, AAG, Haryana.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.692 dated 20.11.2018 under Sections 392, 379-B of IPC and Sections 25, 54 and 59 of Arms Act 1959, registered at Police Station Shivaji Colony, Rohtak.

Learned counsel for the petitioner submits that the petitioner has been wrongly involved in this case. The name of the petitioner is not mentioned in the FIR. However, the name of the petitioner is sought to be involved in this case only on the alleged disclosure statement of one Brijesh, whose name was also disclosed by the complainant subsequently. It is further submitted that no test identification parade was conducted so as to get the petitioner identified from the complainant. Otherwise also, except the disclosure statement of co-accused, there is no evidence connecting the petitioner to alleged crime. To show the involvement of the petitioner in the incident, the prosecution fabricated an alleged recovery of Rs.4500 from the petitioner. However, recovery of money is no recovery in the eyes of law. Still further, it is submitted that there is no other case against the petitioner. In the present case, challan has already been filed and the

petitioner is not required for any investigation purposes. The petitioner is in custody since 08.12.2018.

On the other hand, learned State counsel, on instructions from the Investigating Officer, submits that the involvement of the petitioner was established from the fact that he has been named by co-accused and that the recovery of alleged Rs.4500/- has been effected from him. However, it is not denied that no test identification parade was conducted and that challan has already been filed in the case. Still further, it is not denied that there is no other case against the petitioner.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

05.04.2019
Hemlata

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