

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15962-2019 (O&M)

Date of decision:11.04.2019

Bhagirath

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Randeep S. Dhull, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, 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.594 dated 29.11.2018 under Sections 379-B, 201, 34 of IPC and Section 25 of Arms Act, registered at Police Station Civil Lines, Gurugram, District Gurugram.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR. No test identification parade was conducted in this case. The petitioner has wrongly been involved in the case by the police by fabricating a disclosure statement from the petitioner only. However, it is not disclosed on record as to how the police came to know that it is the petitioner, who was involved in this case. Still further, it is submitted that the petitioner is not involved in any criminal activities and there is no other case against the petitioner. Challan has already been filed against the petitioner. The petitioner is in custody since 28.12.2018, therefore, he is not required for any investigation purposes.

On the other hand, learned State counsel, being instructed by ASI Surinder Singh, submits that the petitioner is the part of a gang of 04

persons, who has snatched ATM cards, mobile phones and Adhaar Cards along with Rs.1500/-. Out of those snatched items, Adhaar Card of the complainant has been recovered from the petitioner. However, it is not denied that the petitioner is in custody since 28.12.2018, challan has already been filed and 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

11.04.2019

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No