

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

**CRM-M No. 32187 of 2019
Date of Decision:-12.09.2019**

Surender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Sarfraj Hussain, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioner-Surender has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 31 dated 17.1.2019, under Section 379-A/34 IPC, registered at Police Station DLF Sector 29, Gurugram, District Gurugram.

As per FIR, in the night of 12.1.2019, when the complainant was going to his house by hiring auto rikshaw, the auto driver alongwith his companion stopped the auto rikshaw near Leisure Valley, Kachha ground at service road and snatched the purse, containing Rs.9500/- and a mobile phone (Samsung J Prime) from the complainant.

Learned counsel for the petitioner contends that the FIR in question was registered after five days of the occurrence, which took place

on 12.1.2019, whereby the purse (wallet) and mobile phone of the complainant were snatched by unknown persons. He submits that the petitioner was arrested on 09.4.2019 as the mobile phone of the complainant was found in possession of one Vinay, who was using the said mobile. He further submits that the final report stands submitted on 31.5.2019 and further custody of the petitioner may not be justified.

On the other hand, learned State counsel, who is assisted by ASI Arvind, opposed the prayer and submitted that the complainant had identified the accused in the test identification parade conducted on 04.5.2019 and the said person Vinay, who was using the mobile was added in the list of prosecution witnesses on 18.2.2019.

At this stage, learned counsel for the petitioner contends that the test identification parade would be meaningless as the petitioner was already in police custody as his arrest was made on 09.4.2019 i.e. after two months of introducing Vinay as prosecution witness.

Learned State counsel has contended that there are two more cases against the petitioner. Controverting the said fact, learned counsel for the petitioner contends that in those cases, the petitioner was indicted after arrest in the present case.

Considering the above and the fact that the trial is likely to consume some time, further detention of the petitioner may not be justified, therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction

of the trial Court, Gurugram.

The petition is allowed.

September 12, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No