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

CRM-M No. 9807 of 2020
Date of Decision: 19.11.2020

Sonu @ Saud

-Petitioner

Vs

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Manoj Kumar Pundir, Advocate,
for the petitioner.
Mr. Manish Bansal, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.61 dated 28.01.2020 under Section 379-A IPC registered at Police Station City Yamuna Nagar, District Yamuna Nagar.

As per allegations, two young boys came on a motorcycle and fled away after snatching mobile from the complainant. Motorcycle has been recovered from the petitioner. Mobile was recovered from the co-accused namely Raja Kashyap who is on interim bail upto 31.12.2020.

Learned counsel for the petitioner submits that no test identification parade has been conducted. The recovered

motorcycle does not belong to the petitioner.

In FIR No.66 dated 24.05.2018 under Sections 457, 380 IPC registered at Police Station Buria and FIR No.720 dated 07.12.2017 under Sections 323, 506 IPC, petitioner has already been granted bail by the trial Court.

Per contra, learned State counsel on instructions from ASI Lakhwinder Masih, however, opposed the prayer on the ground that the petitioner is having antecedent behaviour of criminal activity as he is involved in number of cases.

Keeping in view the custody of the petitioner since 28.01.2020, identification of the petitioner in police custody, recovery of motorcycle not belonging to him and the situation arising out of pandemic COVID-19, the complicity of the petitioner would remain debatable.

Therefore, at this stage, without making any observation on the merits of the case, the petition is allowed. Petitioner is directed to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

19.11.2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE