

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

**CRM-M No.14772 of 2020 (O&M)
Decided on: 25.06.2020**

Bablu

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Sukhdeep Singh, Advocate
for the petitioner (through video conferencing)

Mr. R.K. Ambavta, AAG, Haryana
(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.378 dated 15.09.2019, for offence punishable under Sections 379-A, 34 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Kherki Daula, District Gurugram.

Counsel for the petitioner has argued that as per the allegations in the FIR, the police received an information that the public has caught hold of a snatcher. The police when reached the spot, one Inderpal gave a complaint that he along with his wife Madhu had gone to buy vegetables and when they reached near the factory, 02 boys came on a motorcycle. The person driving the said motorcycle was wearing the helmet while the other person, was not wearing the same. The pillion rider snatched the gold chain of his wife and in the meantime, the motorcycle fell down and when they tried to escape, the crowd caught hold of the pillion rider. It is further submitted that the petitioner

is the first offender and he is not involved in any other case and is in custody.

Counsel for the petitioner has also submitted that the petitioner was not apprehended at the spot and he was arrested on the basis of the disclosure statement of the co-accused Mujeem. It is further argued that the recovery has already been effected, challan stands presented and during the test identification parade, the complainant did not identify the petitioner as one of the accused.

Counsel for the State has not disputed the factual position but opposed the prayer for bail. It is also not disputed that the petitioner is the first offender and was not identified in the test identification parade.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody; challan stands presented; the complainant did not identify the petitioner as one of the accused during the test identification parade; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

25.06.2020
yakub

(ARVIND SINGH SANGWAN)
JUDGE

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