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

Date of Decision: 13.07.2020

1. CRM-M No.15521 of 2020(O&M)

Mandeep @ Sandeep and another
.....Petitioners

Vs

State of Haryana
.....Respondent

2. CRM-M No.15560 of 2020(O&M)

Buta Singh @ Jagga
.....Petitioner

Vs

State of Haryana
.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Sandeep Siwach, Advocate
for the petitioners.

Mr. Anant Kataria, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

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

Vide this common order, CRM-M No.15521 of 2020

titled Mandeep @ Sandeep and another Vs. State of Haryana and CRM-M No.15560 of 2020 titled Buta Singh @ Jagga Vs. State of Haryana are being disposed of.

Petitioners seek grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.281 dated 08.08.2019 registered under Sections 392, 397 IPC, Section 25 of the Arms Act (Sections 201, 120-B IPC added later on) at Police Station Bhuna, District Fatehabad.

FIR was registered on 08.08.2019 with the allegations that when the complainant was going on his motorcycle from hotel to his village, then his way was blocked by the accused/petitioners by turning their motorcycle in front of the motorcycle of the complainant. The accused robbed the complainant by taking away his mobile phone and cash amount. Petitioners were apprehended on 28.08.2019 i.e. after 20 days of the occurrence. The complainant was also called at the spot on apprehension of the petitioners.

As per recovery memos, incriminating articles have been recovered from the petitioners on 28.08.2019.

Learned counsel for the petitioners has referred to Section 54-A Cr.P.C and contended that the identities of the petitioners have not been established in terms of legal

parameters as set down in the provision. If the aforesaid provision is read in conjunction with Section 9 of the Evidence Act, the identities of the petitioners would become debatable in this case. According to the petitioners, no test identification parade was conducted. No independent witness was joined. Challan has already been presented. Even charges have been framed on 21.01.2020. Now owing to the situation arising out of pandemic Covid-19, there are remote chances of commencing the trial in near future. Petitioners are in custody since 28.08.2019.

Per contra, learned State counsel contended that the complainant himself was called at the time of arrest of the petitioners and he duly identified the petitioners to be the accused persons.

No such argument can be appreciated at this stage.

After hearing learned counsel for the parties, I am of the *prima facie* view that the case would remain debatable in the context of identities of the accused persons. Petitioners are in custody since 28.08.2019.

In view of pandemic Covid-19 and without meaning anything on merits of the case, I deem it appropriate to enlarge the petitioners on regular bail subject to their furnishing

adequate bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing expressed hereinabove, shall be construed to be an expression of any opinion on merits of the case.

13.07.2020
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(RAJ MOHAN SINGH)
JUDGE

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