

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16095-2020
Date of Decision: 17.07.2020

Sahin

... Petitioner

v/s

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Lalit Kumar, Advocate for the petitioner.

Ms. Dimple Jain, AAG Haryana.

(The case has been taken up through video conferencing on account of Covid-19 pandemic)

* * *

VIVEK PURI, J. (ORAL)

Short reply by way of affidavit of Gorkhpal (DSP), Headquarter, Rohtak has been placed on record.

The petitioner has prayed for grant of regular bail in case FIR No.192, dated 15.3.2020, under Section 379-A, 412 read with Section 34 of IPC, 1860, registered at Police Station City District Rohtak.

Briefly, the FIR has been registered on the basis of the statement of Sant Lal alleging that on 15.3.2020, he was proceeding from his house to vegetable market, Rohtak on foot. At about 5 A.M. when he reached near Kacha Beri road some unknown persons caught hold of his neck from the back side and took away an amount of approximately Rs.35,000/- from his pocket.

It has been contended by learned counsel for the petitioner that he has not been named in the FIR. The arrest of the petitioner was effected in another FIR No. 256 dated 17.4.2020 under Section 188 IPC and 25 of

Arms Act, Police Station City Rohtak. During his interrogation, the petitioner had allegedly made a disclosure statement that he has snatched a sum of Rs.35,000/- from an unknown person. Accordingly, he was nominated as an accused and arrested in the present case.

On the last date of hearing, learned State counsel was asked to file affidavit to the effect as to whether the complainant had identified the petitioner at any point of time during investigation or not. In the reply placed on record, it has been specifically mentioned that on conducting test identification parade the complainant had not identified the accused. Furthermore, the arrest of the petitioner was effected on 18.4.2020, his custodial interrogation is over and he has been remanded to judicial custody and challan has already been presented.

Learned State counsel has not disputed the factual aspect of the matter.

Considering the above and the fact that conclusion of trial is likely to consume some time, further detention of the petitioner may not be justified. Therefore, without making 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 requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

(VIVEK PURI)
JUDGE

17.07.2020

Janki

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