

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

CRM-M-18846-2020

Date of Decision: August 04, 2020.

TANUJ MITTAL

..... PETITIONER (s)

Versus

STATE OF HARYANA

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Vaibhav Jain, Advocate for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

The petitioner prays for grant of bail pending trial in FIR No.259, dated 07.07.2019 under Sections 379-A,34 IPC, registered at Police Station NIT Faridabad, District Faridabad.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. The motorcycle in question does not belong to the petitioner and the mobile phone alleged

to have been snatched, was recovered from the co-accused. The petitioner is stated to be in custody since 08.07.2019 and is not involved in any other criminal case. It is further submitted that the identity of the petitioner is also not established as no test identification parade was carried out. It is, thus, prayed that this petition be allowed.

Learned counsel for the State, while opposing this petition, submits that the motorcycle in question, belonged to a friend of the petitioner, who, in his statement under Section 161 Cr.P.C. revealed that the motorcycle was borrowed by the petitioner at the relevant time. However, on instructions from SI Naval Kishore, learned counsel for the State, verifies that the mobile phone in question was recovered from the co-accused and that no test identification parade has been conducted. Final Report under Section 173 Cr.P.C. stands presented and it is verified that the petitioner is not involved in any other criminal case.

There is no allegation that the petitioner is likely to abscond or influence witnesses. Due to outbreak of the pandemic COVID-19 there is not much progress towards conclusion of the trial. No useful purpose would be served by keeping the petitioner incarcerated any longer.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

04.08.2020

Sunil

**(LISA GILL)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No