

209

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

CRM-M No. 19939 of 2020
Date of Decision: 12.10.2020

Gobind @ Gobinda

-Petitioner

Vs

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Jarnail S. Saneta, Advocate,
for the petitioner.

Mr. Rajat Gautam, 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.197 dated 12.06.2020 under Section 379-A IPC registered at Police Station Ladwa, District Kurukshetra, Haryana.

FIR was registered at the instance of complainant namely Kamla Devi with the allegations that on 12.06.2020, when she was returning home after withdrawing pension from HDFC Bank, a young boy came from behind on a motorcycle with muffled face and snatched the bag containing pension of

Rs.6800/-, Aadhar Card and Bank Passbook and ran away from the spot. The complainant could not identify the motorcyclist.

She further stated that she can identify the culprit on being produced before her. The motorcycle was identified in respect of registration number on the basis of CCTV footage.

Petitioner was found to be the owner of that motorcycle.

The complainant in her affidavit dated 03.07.2020 however exonerated the petitioner on the ground that the accused was having muffled face and the complainant could not identify him.

Evidently, no test identification parade was conducted in terms of Section 54-A Cr.P.C. which prescribes that when a person is arrested on a charge for committing an offence and his identification by any other person is considered necessary for the purpose of investigation, the Court having jurisdiction may on the request of police officer, direct the person so arrested to subject himself to identification by any person in such manner as the Court deem fit.

Identification of the petitioner on the basis of motorcycle would remain debatable. The affidavit filed by the complainant cannot be commented upon conclusively at this stage.

Petitioner is in custody since 12.06.2020.

Owing to the situation arising out of pandemic COVID-19 and without meaning anything 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.

12.10.2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No