

CRM-M-23431-2020(O&M)

Date of decision: 10.09.2020

Kheruddin

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Salim Ahmed, Advocate for the petitioner

Mr. Chetan Sharma, AAG, Haryana

ANIL KSHETARPAL, J. (ORAL)CRM-22613-2020

Allowed as prayed for.

Main case

The petitioner prays for bail pending trial in a criminal case arising from FIR No. 150 dated 27.6.2020 registered under Section 379-A IPC at Police Station Sector 7, IMT Manesar, Gurugram.

In a nutshell, the case of the prosecution is that two boys including the petitioner with muffled faces snatched the mobile phone of the first informant. The other accused namely Sakir s/o Sarajuddin was apprehend at the spot and on his disclosure statement, the petitioner is sought to be indicted as an accused.

Learned counsel for the petitioner contends that the mobile phone as well as the motor cycle on which the boys were alleged to be riding, have been recovered from Sakir. He further submits that there is no admissible evidence against the petitioner.

On the other hand, learned counsel for the State has pointed out that the petitioner is also an accused in FIR No. 28 dated 20.1.2020 registered under Section 392, 397 IPC and Section 25, 54, 59 of Arms Act, when he was caught at the spot in a similar incident.

This Court has considered the submissions. As far as the present case is concerned, the only material against the petitioner is disclosure statement of a co-accused in police custody. It is doubtful as to whether such evidence would be admissible.

The petitioner is in detention since 18.7.2020. He is a young boy of 22 years.

On conclusion of the investigation, the police report under Section 173 Cr.P.C has been filed. The conclusion of the trial is likely to take some time.

Keeping in view the aforesaid facts and without commenting on the merits of the case, the petitioner is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, the present petition is allowed.

10.09.2020
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No