

CRM-M-25548-2019

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

CRM-M-25548-2019
Date of Decision:08.01.2020

Krishan

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Reena Bains, Advocate,
for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks anticipatory bail in case FIR No.71 dated 14.04.2019, registered at Police Station Chhansa, Tehsil Mohan, District Faridabad, under Sections 34, 379-B, 427 and 506 IPC.

Vide order dated 24.07.2019, a Coordinate Bench of this Court directed that the petitioner would not be arrested upon him appearing before the trial Court on 25.07.2019, which was the date on which he was stated to have been summoned to appear before that Court.

Learned State counsel, after seeking instructions from SI Raghubir Singh, submits that on 18.12.2019, the petitioner had appeared before the trial Court for test identification parade, but had not been

CRM-M-25548-2019

identified by the complainant.

Moreover, complainant-respondent No.2 has executed an affidavit (Annexure P-2) stating that on the particular date, there was a huge crowd and being night time, he had felt that two persons had been riding on the motor-cycle, whereas as a matter of fact, only one boy had been riding motor-cycle, bearing registration No.HR-30U-8597, and it was because of mistake that he had got written that two boys had been riding on the motor-cycle.

The petitioner has not been identified by the complainant before the trial Court.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on bail to the satisfaction of the Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case.

08.01.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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