

CRM-25467-2020 in/and
CRM-M-28900-2020
Date of Decision: 30.10.2020

Amit @ Kala

.....Petitioner

vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Ketan Antil, Advocate, for the applicant-petitioner.
Mr. Deepak Bhardwaj, D.A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)CRM-25467-2020

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

Pursuant to the last order passed by this court, this application has been filed seeking to place on record the order passed by the learned Additional Sessions Judge, Sonapat, on 30.07.2020, dismissing a similar application filed before that court.

The application is allowed subject to all just exceptions and the said order is taken on record as Annexure P-2 with the accompanying petition.

CRM-M-28900-2020

This petition has been filed under the provisions of Section 439 of the Cr.P.C. seeking 'regular bail' for the petitioner in case FIR no. 564 dated 29.09.2019, registered at Police Station City Sonapat, District Sonapat, for the alleged commission of offences punishable under Sections 379-A/411/34 of the IPC.

Learned counsel for the petitioner submits that the petitioner has been implicated in this case, as also in another similar FIR registered, allegedly

on the basis of a disclosure made by him in police custody, with regard to the commission of an offence punishable under Section 379-A of the IPC.

He further submits that the recovery has been planted on the petitioner, (though learned State counsel submits that the '*Mangalsutra*' recovered at the instance of the petitioner was duly identified by the complainant).

However, learned counsel for the petitioner submits that the said statement is also not believable because no person would retain a snatched item for a long period of seven months and get it recovered later upon him having been arrested in the context of an FIR registered alleging therein the commission of an offence punishable under the provisions of the Arms Act, 1959.

He next submits that the petitioner has been in custody for almost 07 months with not even the charge framed so far in the trial.

Learned State counsel while opposing the petition on the ground that even the recovery of the chain was duly corroborated by the complainant, however, as regards the period of custody and the stage of the trial, does not deny the same.

That being so, without making any further comment on the actual merits of the case, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate, concerned.

October 30, 2020

nitin

Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)

JUDGE

Yes
No.