

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

215

**CRM-M No.35611 of 2020 (O&M)
Date of decision:22.12.2020**

Aditya @ Dillu

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Diwan S. Adlakha, Advocate for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

CRM-30821-2020

Application is allowed.

Copy of order dated 19.11.2020 is taken on record as Annexure P-4.

CRM-30822-2020

Application is allowed.

Section 201 IPC is permitted to be incorporated at the appropriate places in the petition.

Main case.

Petitioner has filed this petition under Section 439 of Cr.P.C.

for grant of regular bail in case FIR No.428, dated 17.07.2020 registered under Section 379-A of the Indian Penal Code at Police Station City Yamuna Nagar, District Yamuna Nagar.

The FIR in question was registered on the complaint of one Muskan Sethi, wherein, she stated that two unknown boys, who came on a black colour motorcycle, snatched her maroon purse and sped away. The investigation was completed and the petitioner was arrested on 02.10.2020.

Counsel for the petitioner has urges that the petitioner was arrested in another case bearing FIR No.289 dated 29.06.2020, registered under Section 379 IPC at Police Station Farkpur District Yamuna Nagar and on the basis of his disclosure statement he was framed in the present case. The argument of the counsel is that disclosure statement made in police custody is inadmissible in evidence. Counsel submits that the FIR was registered against two unknown persons and the petitioner has neither been named nor any test identification parade has been conducted to identify the accused. He argues that the investigation is complete, challan has been filed and due to outbreak of pandemic the trial is not progressing, therefore, the petitioner deserves to be released on bail.

Per contra, State counsel, upon instructions from ASI Amarjit Singh, submits that the petitioner does not have a clean past. He is involved in another case of snatching, though, he could not deny the fact that no test identification parade has been conducted. As per his instructions, the challan has been presented on 17.11.2020 and the charges are yet to be framed.

I have considered the rival submissions of the parties.

In view of the fact that no test identification parade has been conducted, the involvement of the petitioner in the crime is debatable. Keeping in view the above facts and circumstances, period of incarceration of the petitioner, nature of allegations, gravity of offence, and the fact that the trial is likely to consume time due to spread of contagion, no useful purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

22.12.2020

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No