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

CRM-M No.35976 of 2020 (O&M)

Date of Decision: 01.12.2020

ESHAN VERMA @ HONEY

.....Petitioner

Vs

STATE OF PUNJAB AND ANR

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Raman Goklaney, Advocate
for the petitioner.

Mr. Bhupender Beniwal, Asstt. A.G., Punjab.

Mr. Rahul Arora, Advocate
for respondent No.2.

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.210 dated 10.10.2020, registered under Section 379-B IPC at Police Station City Fazilka.

FIR was registered by the complainant with the allegations that one unknown person came on a motorcycle with a mask on his face and snatched topus from her right ear. The

accused was identified by his clothes. Thereafter the complainant named the petitioner on the basis of her own inquiry.

Learned counsel for the petitioner submitted that no MLR of the complainant has been conducted. There is no injury on the ear of the complainant. The story of the prosecution is belied even in the CCTV coverage of the spot. Petitioner is in judicial custody after completion of the investigation and presentation of challan.

Learned counsel further submitted that the complainant has also realised false implication of the petitioner and she has also executed an affidavit on 26.10.2020 to the effect that she had identified the accused by the clothes. When the complainant saw the accused in the Police Station after his arrest, she became doubtful in respect of identity of the accused and the petitioner is not the person, who committed the offence.

Learned State counsel on the other hand opposed the prayer on the ground that the complainant cannot be allowed to resile in the present manner. Petitioner is in custody since 12.10.2020.

In view of aforesaid facts, the possibility of complainant coming forward to prosecute the case against the petitioner would be bleak. The FIR was registered against the unknown

person. Petitioner was implicated solely on the basis of self-inquiry made by the complainant that too on the basis of identification of clothes. When the petitioner was subjected to dock identification, the complainant resiled and has not identified the petitioner to be the real accused.

In view of the situation arising out due to COVID-19 pandemic and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

December 01, 2020

Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No