

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

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**CRM-M No.38887 of 2020
Date of decision:01.12.2020**

Rahamdeen

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Virat Rana, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

SUVIR SEHGAL J. (ORAL)

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

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.296, dated 21.08.2020 registered under Sections 379-A/34 of the Indian Penal Code at Police Station City Sohana, District Gurugram.

Counsel for the petitioner has argued that the petitioner has been falsely involved in the case as it is apparent from perusal of the FIR that he has not been named therein. According to the counsel, allegation against the petitioner is that he was a pillion rider on a motorcycle and is alleged to have snatched the mobile from the complainant, but the complainant failed to recognize the petitioner during the test

identification parade. He has placed reliance upon the affidavit, dated 29.09.2020, Annexure P-2, executed by the complainant, wherein he has deposed that he is not aware of the involvement of any other person in the crime. Still further, it is his argument that the petitioner has been arraigned as an accused on the disclosure statement of co-accused, Iqbal, which is inadmissible in evidence.

Opposing the petition, learned counsel for the State, upon instructions from ASI Mahavir submits that co-accused, Iqbal who was driving the motorcycle was arrested from the spot and the motorcycle was recovered from him. Iqbal has named the present petitioner and also suffered a disclosure statement to the effect that the stolen property has been sold to co-accused, Hashim for Rs.4,000/-. A sum of Rs.960/- was recovered from the present petitioner. As per his instructions, challan has been presented on 16.10.2020 and the charges are yet to be framed. He submits that the petitioner is in custody since 23.09.2020 and no other criminal case is pending against him.

I have considered the rival submissions of the parties.

Keeping in view the above facts and circumstances, period of incarceration of the petitioner, nature of allegations, gravity of offences and 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.

01.12.2020
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No