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

**(Through Video-conferencing)**

**1. CRM-M No.20045 of 2021  
Date of Decision: 28.07.2021**

**KARAN @ SAHIL .....Petitioner**

**Vs**

**STATE OF HARYANA .....Respondent**

**2. CRM-M No.25694 of 2021**

**KESHAV .....Petitioner**

**Vs**

**STATE OF HARYANA .....Respondent**

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

Present:Mr. Dinesh Arora, Advocate  
for the petitioner in CRM-M No.20045 of 2021.

Mr. Sanjeev Kumar Birla, Advocate  
for the petitioner in CRM-M No.25694 of 2021.

Mr. Anant Kataria, D.A.G., Haryana.

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**RAJ MOHAN SINGH, J.(Oral)**

Vide this common order, CRM-M No.20045 of 2021 and 25694 of 2021 (O&M) are being decided. Since both the cases have arisen out of same FIR, therefore, facts are being culled out from CRM-M No.20045 of 2021.

Petitioner(s) seek grant of regular bail in case bearing FIR No.103 dated 24.02.2021 registered under Sections 379-A, 34 IPC at Police Station Shivaji Colony, District Rohtak.

The FIR was registered at the instance of Parul D/o of Rambir Singh with the allegations that when she reached Shiv Mandir, a black scooty bearing Regn. No.HR-12-AH-9549 came from front side. Three young boys were riding the said scooty. They crossed the complainant. Thereafter they came back and snatched mobile phone of the complainant. Complainant ran behind them, but they ran away while driving the scooty. FIR was registered on the next day i.e. 04.03.2021.

During course of investigation, Abhishek was joined and his disclosure statement was recorded in which name of the petitioner came to fore. Abhishek was arrested on the basis of CCTV footage of the day of occurrence in which three boys were seen walking around Shiv Mandir on a scooty bearing No.HR-12-AH-9549. Abhishek was arrested on the basis of ownership qua the scooty.

Learned counsel for the petitioner(s) submitted that Abhishek was arrested on the basis of his ownership of the scooty. Petitioner-Karan @ Sahil was nominated in the disclosure statement of Abhishek. CCTV footage would show that none of the three accused were identifiable. The

investigating agency has not conducted any test identification parade confirming the identity of the accused. The complicity of the petitioner-Abhishek is solely based on his self incrimination leading to recovery of mobile which would remain debatable. No recovery has been effected from Karan @ Sahil. Petitioner-Karan @ Sahil is in custody since 25.02.2021 and Petitioner-Keshav is in custody since 26.02.2021. Except the scooty which is alleged to be of Abhishek, the police has not verified the status of the scooty viz-a-viz. its registered owner.

On the other hand, learned State counsel opposed the bail on the premise that scooty was identifiable in CCTV footage and on interrogation Abhishek has admitted his ownership qua Scooty. Challan has been presented, but charges have not been framed so far.

In view of submissions made by learned counsel for the petitioner(s) in respect of test identification parade, want of evidence of registered ownership of the vehicle and alleged identity arising out of CCTV footage, I deem it appropriate to enlarge both the petitioners on regular bail without meaning anything on the merits of the case.

In view of above, petitions are allowed. Petitioners are ordered to be released on bail, subject to their 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.

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|---------------------------|-------------------|
| July 28, 2021             | (RAJ MOHAN SINGH) |
| <i>Atik</i>               | JUDGE             |
| Whether speaking/reasoned | Yes/No            |
| Whether reportable        | Yes/No            |