

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

Criminal Misc.-M No.35524 of 2021

Date of Decision: November 11, 2021

Mohammad Sahid

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Rishi Pal, Advocate for
Mr.Pardeep Panwar, Advocate,
for the petitioner.

Mr.Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.515 dated 29.10.2020, under Sections 342, 395, 397 IPC, 1860 and Section 25 Arms Act, 1985, registered at Police Station, Sadar Sonipat, District Sonipat, who is in judicial custody after his arrest on 28.01.2021.

As per the FIR, on 29.10.2020 at about 1.00 a.m., about 9-10 unknown persons forcibly took away copper contact wire (107 sq.MM) 1057 Kg., four bundles cable measuring about 200meters, copper cathod 1063 Kg. and I-10 car bearing registration No.TN-04AD-9981 colour white from the factory of complainant Parnav at gun point.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case on the disclosure statement of co-accused Subhash and no test identification parade was conducted to establish his identity as an accused in the alleged crime. He states that the petitioner was arrested on 28.01.2021, whereas the FIR is of 29.10.2020.

Learned counsel has further placed reliance upon order dated 23.07.2021 passed in CRM-M-10562-2021, whereby co-accused was granted regular bail. He states that the petitioner is not involved in any other case, therefore, he be released on bail as the investigation of the case is complete.

On the other hand, the prayer is opposed by the learned State counsel, assisted by SI Inderjeet Singh, on the ground that the petitioner participated in the crime and on the basis of disclosure statement suffered by him, one copper plate weighing 53 kg. and copper rod pieces weighing 40 kgs. have been recovered from the premises where he was residing on rent. According to him, co-accused Subhash, being employee in the factory, had planned the entire occurrence with the other co-accused, who upon entering the premises of the factory, had tied the other workers and gave them beatings also. He states that four persons had suffered injuries in this occurrence.

After hearing the learned counsel for the parties and considering the above background, this court is of the opinion that as per prosecution, one copper plate weighing 53 kg. and copper rod pieces weighing 40 kgs. have already been recovered from the possession of the petitioner, therefore, the case of the petitioner is distinguishable from his co-accused Mohd.Imran Malik, released on regular bail as he was implicated in this case for commission of offence punishable under Section 412 IPC only.

The argument that no test identification parade has been conducted to establish his identity may not be relevant at this stage as the trial is yet to commence. Thus, considering the gravity of the offence, but without expressing any opinion on the merits of the case, this court does not

fit it to be a fit case for releasing the petitioner on regular bail at this stage.

Dismissed.

November 11, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No