

CRM-M-30392-2020 (O&M)

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

**CRM-M-30392-2020 (O&M).
Decided on: January 18, 2021.**

Mohit

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Himmat Singh Deol, Advocate,
for the petitioner.**

Mr.Munish Sharma, AAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

Through Video Conference

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.364 dated 17.8.2020, under Section 379-A IPC, registered at Police Station Bilaspur, District Gurugram.

As per the FIR which was lodged by one Pawan Varmani son of Govind Varmani, resident of House No.186, Village Roshanbagh,

CRM-M-30392-2020 (O&M)

P.S. Khulldabad, District Allahabad, U.P., two young boys had come on one motorcycle and they asked him to go with them as he was also going to the same place. They asked him to sit on the motorcycle so that they may drop him. Thereafter, they stopped the motorcycle near the Mandir and snatched Rs.9500/- and ATM Card of Bank of India from his pocket and fled away and also took his mobile phone.

Learned counsel for the petitioner has submitted that it is a case where petitioner was not named in the FIR as he is not involved in the present case. He has submitted that after completion of investigation the challan has been presented on 20.10.2020 and no recovery is to be made from the petitioner. He has submitted that test identification parade was done by way of force from the police and rather the complainant has suffered an affidavit vide Annexure P-2 stating that the petitioner is not involved in the present case and has not snatched money and ATM card from him. He has submitted that the petitioner is not involved in any other case and therefore, petitioner may be considered for the grant of regular bail.

On the other hand, learned State counsel has submitted that the petitioner was identified by the complainant in the test identification parade and therefore, now the petitioner cannot take up the plea that it was done by way of force.

I have heard the learned counsel for the parties.

So far as the authenticity of the test identification parade is concerned, the same is a debatable issue and it is subject matter of trial.

CRM-M-30392-2020 (O&M)

Further, it is not disputed by the learned State counsel that investigation in the case is already complete and challan stands presented on 20.10.2020 and that the petitioner is not involved in any other case. It is also not the case of the State that in case the petitioner is released on bail, he may influence the witnesses or tamper with any evince.

Therefore, considering the totality of the circumstances of the present case, I deem it fit and proper to grant the concession of regular bail to the petitioner. Consequently, the present petition is allowed. It is ordered that the petitioner shall be released on bail on furnishing bail bond/surety bond to the satisfaction of the concerned trial Court/Duty Magistrate.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

January 18, 2021.
raj arora

JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No