

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-34746 of 2020
Date of decision:16.02.2021

Sohit

... Petitioner

Vs.

The State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sanpreet Sandhu, 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.

The petitioner is seeking regular bail in case FIR No.96 dated 20.02.2020 registered under Sections 379-A, 506 and 201 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959, (however, Section 379-A IPC was deleted) at Police Station Farakpur, District Yamuna Nagar.

As per the allegations in the FIR lodged on the complaint of Ashish Sharma, Journalist, three unknown persons, who were riding on a motorcycle waylaid him, gave him injuries with iron rods and threatened him by pointing a country made pistol. The allegation is that they snatched his mobile phone, cash of Rs.22,000/-, credit card and some other

documents.

Counsel for the petitioner has argued that the petitioner is not named in the FIR and he was arrested five months later on the disclosure statement of co-accused, Mani Ram Saini. According to the counsel, the co-accused was arrested in another FIR and the statement made by him in the police custody is inadmissible in evidence. Still further, counsel urges that the investigation is complete, challan has been presented and the petitioner, who is in custody since 18.07.2020 deserves to be released on bail.

Opposing the petition, upon instructions from SI Satish Kumar, State counsel submits that the petitioner has been named by both co-accused. He has instructions to state that the mobile phone was recovered from the petitioner who is involved in two other cases. Still further, he submits that the Test Identification Parade was conducted and all the accused have been duly identified including the petitioner. He submits that challan has been presented on 15.09.2020, but charge has not been framed.

I have considered the rival submissions of the parties.

On a pointed query by the Court, counsel for the petitioner could not deny the fact that Test Identification Parade must have been conducted after 18.07.2020. The veracity of such a Test Identification Parade is debatable. In any case, holding of Test Identification Parade is not a substantive piece of evidence, though can be used for the purpose of corroboration. Still further, the petitioner is on bail in both the other cases which have been registered against him.

Keeping in view the above facts and circumstances, period of incarceration, nature of allegations, the gravity of offence and the fact that trial is likely to take time, no 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, however, made clear that in case the petitioner is found indulging in any criminal activity henceforth, it will be open for the State to seek cancellation of the bail granted to him.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

February 16, 2021
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes