

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

CRM-M-35089 of 2020 (O&M)

Date of Decision: 05.02.2021.

Himanshu @ Emanshu

...Petitioner

V/S

State of Haryana

...Respondent

CORAM: HON'BLE MR JUSTICE ARUN MONGA

**Present : Mr. D.S. Adlakha, Advovcate
For the petitioner.**

**Mr. Harsh Vardhan, AAG Haryana.
(Cases taken up through video conferencing)**

ARUN MONGA, J. (ORAL)

1. The petitioner is seeking regular bail in FIR No. 102 dated 14.06.2020, registered under Section 397-A IPC, Police Station Bilaspur, District Yamuna Nagar.
2. FIR in question is at the instance of one Neelam Kumari, stating that on 14.06.2020, when she was riding her scooter/Activa, onway to her office, an unidentified motor cyclist came from behind and snatched her handbag containing valuables. Later during investigation,alleged involvement of petitioner has been unearthed.
3. Learned counsel for the petitioner strenuously argues that petitioner has simply been made a soft target. Same is borne out from the very circumstances in which he was arrested,allegedly on the basis of a secret information qua his role in committing the crime in question. Per him, complainant's belongings were planted on the petitioner with ulterior motive

as in an earlier FIR bearing No. 166 dated 18.10.2019, registered at Police Station Chhachhrauli, police had initially filed untraced report. Later, though they arrested the petitioner, but he was granted regular bail. Barely 10 days thereof, i.e. on 03.06.2020, present FIR has been registered and petitioner has been again arrested.

4. He further argues that even the alleged test identification parade carried out to identify the petitioner is completely planted as no other persons, as is requirement of law, were associated by the police officials at the time of complainant having allegedly identified the petitioner. He further argues that even the so-called involvement of the petitioner in the FIR in question is based on his own custodial disclosure statement, which is not admissible as evidence. He further submits that other than disclosure statement and the test identification parade by the complainant, there is nothing against the petitioner to connect him with the alleged offence and, therefore, there is strong likelihood of his acquittal in the trial, which is currently held up due to pandemic conditions, while on the other hand petitioner has been under incarceration since the date of his arrest on 14.06.2020 i.e. for the past about 7-8 months.

5. On the other hand learned State counsel has opposes the bail plea. According to him, the petitioner is a habitual offender and there is every apprehension of his indulging in similar offence, if granted the benefit of bail.

6. Per contra, learned counsel for the petitioner submits that petitioner has been falsely implicated in both the cases.

7. The petitioner is in custody since 14.06.2020. Admittedly, he is on bail in the other case registered against him. The contentions raised by

learned counsel for the petitioner though have some substance, but the same are matter of trial, which is presently held up on account of pandemic. Courts are currently working with restrictions and taking up only the urgent matters. In the circumstances, no useful purpose would be served by detaining the petitioner in preventive custody any further.

7. Accordingly, the petition is allowed. Petitioner shall be released on bail on his furnishing bail bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be. Nothing stated herein shall be construed as an expression on merits of the case pending before the trial court.

February 05, 2021
Jiten

(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No