

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-24746-2021 (O&M)
Date of Decision:- 25.5.2022

Jasbir @ Mamnu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vikas Bishnoi Godara, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Tek Chand.

None for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.192, dated 14.8.2020, Police Station City Ratia, District Fatehabad, under Sections 395, 397 IPC and Section 25/54/59 of Arms Act.
2. The allegations, in nutshell, are that on 14.8.2020 complainant Harish Kumar @ Happy son of Subhash Chander Mehta, resident of Tibba Colony, Ward No.13, Ratia came in police station and presented an

application. The complainant has alleged in his application that he was a photographer by profession and was running a shop in the name and style of Happy Studio. He was coming to his home in Ratia after closing his shop in the evening. When, at about 09.30 pm, he reached near Khalsa College, Ratia, three persons sitting each on three motorcycles (total 9 persons) came from back side and stopped his scooty bearing registration No.HR-20H-7299. The assailants snatched his mobile phone make Vivo bearing sim No.9468048028 of Airtel, his wallete containing Rs.6500/- and important documents as well as his gold chain forcibly. The assailants after committing dacoity fled away from the spot on their motorcycles towards Sardulgarh road. The complainant also alleged that the assailants were carrying 'lathi', 'danda' and 'sword' in their hands at the time of committing robbery.

3. Learned counsel for the petitioner submits that he is nowhere named in the FIR and has been falsely implicated in the present case on the basis of some secret information having been received by the police after registration of the case, as regards involvement of the petitioner in this case.
4. On the other hand, learned State counsel has submitted that apart from receipt of secret information regarding involvement of the petitioner which was received after registration of the present case, the police had also got test identification parade conducted wherein the petitioner was duly identified by the complainant. Learned State counsel has further informed that the petitioner has been involved in

two other cases after registration of the present case and that as such he does not deserves the concession of bail. It has however, been informed that the petitioner as on date has been behind bars since the last about 1 year and 9 months and that as on date 1 out of the cited 17 PWs has been examined.

5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner is not named in the FIR but came to be nominated subsequently on the basis of some secret information received by the police and is also stated to have been identified by the complainant subsequently during Test Identification Parade. In any case apart from the merits of the instant case, this Court finds that the petitioner has been behind bars for a substantial period of 1 year and 9 months. Conclusion of trial is likely to consume time inasmuch as only 1 out of the cited 17 PWs has been examined till date. In these circumstances, further detention of the petitioner is not justified. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.5.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No