

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

213

CRM-M-34809-2022

Date of Decision: 30.08.2022

Naveen @ Sonu

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Neeraj Gaur, Advocate for the petitioner

Mr. Surender Singh, AAG Haryana

Sandeep Moudgil, J. (Oral)

(1) The petitioner has filed petition under Section 439 CrPC seeking regular bail in case FIR No.69 dated 13.02.2022 under Sections 395/397/458 IPC and Section 25/54/59 of Arms Act, (Section 120B IPC added later on) registered at Police Station Sadar Sirsa.

(2) The petitioner contends that the petitioner was not initially named in the FIR and was implicated on the disclosure statement made by Amit @ Mitu later on. He further avers that the CCTV footage collected by the investigating agency also authenticates the stand that the petitioner was not present at the spot of occurrence when the alleged incident took place. He has no role in the alleged occurrence and no overt act has been attributed to him.

(3) Notice of motion.

(4) On the asking of the Court, Mr. Surender Singh, AAG Haryana accepts notice.

(5) Status report dated 29.08.2022 has been filed by the learned State counsel, which is taken on record. He submits that later on during the course of investigation, complainant has identified the petitioner during

identification parade and his mobile phone location was found in that vicinity.

Learned State counsel further submits that the investigation qua the present petitioner is complete and challan against him has been presented on 07.04.2022 and there are 13 more accused persons who are yet to be arrested.

(6) This Court after having considered the aforesaid contentions of the respective parties is of the considered view that the electronic evidence in the form of CCTV admittedly shows that the petitioner was not present at the place of occurrence at the time of alleged incident. As far as the mobile phone location is concerned, it cannot be termed to be the sufficient evidence to conclude that the petitioner was present at the spot at this stage which needs to be proved at the time of trial by leading cogent evidence to corroborate this version.

(7) Looking at the totality of the circumstances of the present case and since the conclusion of the trial is likely to take time and no fruitful purpose would be served by keeping the petition behind the bars, this petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the trial Court/Illaq Magistrate, Sirsa.

30.08.2022
V.Vishal

(Sandeep Moudgil)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No