

218 IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

\*\*\*

CRM-M-40470-2021

Date of decision: 1<sup>st</sup> February, 2022

Akshay

Petitioner

Versus

State of Haryana

Respondent

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Vishal Nehra, Advocate for the petitioner.  
Ms. Geeta Sharma, DAG, Haryana.

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**AVNEESH JHINGAN, J (Oral):**

1. Due to COVID-19 situation, the Court is convened through video conference.
2. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No.02, dated 03.01.2021, under Sections 392, 397, 379-B, 201 of IPC, 1860 and 25 & 27 of the Arms Act, 1959, registered at Police Station Urban Estate Rohtak.
3. The FIR was registered on the statement of Shankar. He alleged that on 03.01.2021, his Mahindra Pick-up bearing No. RJ-14-GJ-8884 was obstructed by two occupants of the Swift car, Rs.1500/- and a silver chain were snatched on a pistol point. Petitioner-Akshay along with co-accused Aatish were arrested in FIR No. 46, dated 31.01.2021, under Section 379 IPC, registered at Police Station Urban Estate, Rohtak. During the investigation, the weapon allegedly used in the incident was recovered from the co-accused. On the basis of his disclosure statement,

petitioner was nominated in the present FIR. The role attributed to the petitioner is that he threw away the keys of Mahindra Pick-up.

4. Learned counsel for the petitioner submits that petitioner was not apprehended from the spot, no recovery was made from him and no test identification was undertaken.

5. Learned State counsel opposes the prayer for grant of bail, she submits that petitioner was involved in fourteen other FIRs and he obstructed the Mahindra Pick-up on the way.

6. No recovery was made from the petitioner. As per the reply filed, it is specifically pleaded that no test identification parade was held. As per the contention of the counsel for the petitioner was acquitted in five FIRs and is on bail in remaining nine FIRs. The petitioner is in custody since January, 2021 and investigation is complete. Without commenting upon the merits of the case, having the conspectus of the facts, petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petition is allowed.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

**[AVNEESH JHINGAN]**  
**JUDGE**

**1<sup>st</sup> February, 2022**

*Parveen Sharma*

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|-------------------------------|---|---------|
| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable         | : | Yes /No |