

(223)

2023:PHHC:088844

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17662 of 2023

Date of Decision: July 17, 2023

Mohsin ...Petitioner
Versus
State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Diwan S. Adlakha, Advocate
for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG,
Haryana.

DEEPAK GUPTA, J.(Oral)

By way of this petition filed under Section 439 Cr.P.C., petitioner has prayed for grant of regular bail in case FIR No.173 dated 24.10.2020 registered under Sections 392, 397 IPC (Section 201 IPC and Section 25 of Arms Act added later on) at Police Station Buria, District Yamuna Nagar.

As per allegations, three boys came on a motor-cycle at about 06:04 A.M., on 24.10.2020 at the Petrol Pump and at the pistol point, looted a cash bag containing ₹1,30,000/- from complainant Aatif. FIR was lodged and during investigation, petitioner is stated to have been arrested in some other case in which he suffered disclosure statement regarding commission of the crime in this case. It is also the prosecution case that motor-cycle used in crime in this case was recovered in another case.

It is contended by learned counsel for the petitioner that petitioner has been falsely implicated; that no test identification

parade was conducted; that no recovery pertaining to this case has been effected and that the petitioner is in custody since 27.01.2021.

Reply by way of an affidavit of Shri Rajesh Kumar, Deputy Superintendent of Police, Yamuna Nagar-II, has been filed on behalf of the respondent- State.

Learned State Counsel concedes that despite the occurrence having been taken place in day light and despite the fact that robbers were not in muffled faces, no test identification parade was conducted. He also concedes that registration number of the motor-cycle on which robbers had come, is not mentioned in the FIR. It is however submitted that out of 15 witnesses, 05 have already been examined. Although custody certificate has not been placed on record, but it is informed that petitioner is in custody since 27.01.2021 i.e. for the last more than two years and six months.

Having regard to all the afore-said facts and circumstances of the case, but without commenting anything on the merits of the case, petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate concerned.

Disposed of.

July 17, 2023

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(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No