

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-33025-2023
Date of Decision.:21.09.2023

Abhimanyu @ Mannu
Vs.
State of Haryana

.....Petitioner

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ajay Kumar Dahiya, Advocate
for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana
assisted by ASI Kuldeep Singh.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.256 dated 03.07.2017 registered under Sections 392, 397 of the IPC (Section 25 of Arms Act and Sections 201, 202, 420 of the IPC were added later on) registered at Police Station Sadar, District Sonipat.

2. FIR was lodged on the statement of one Jagdeep son of Ramesh Kumar, as per which on 03.07.2017 at about 7 O'clock in the morning he was robbed by four unknown persons who took away his car besides his purse and ₹6,000/-.

3. It is contended by learned counsel that complainant of the case Jagdeep has not supported the prosecution version as per his statement made before the Trial Court which is Annexure P-4. Learned counsel further

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contends that petitioner is in custody for the last more than 05 years inasmuch as he was in custody in some other cases along with co-accused but despite that police never got any production warrants issued for him and that he was arrested in this case only on 15.03.2022.

4. Status report by way of an affidavit of Shri Nar Singh, HPS, Assistant Commissioner of Police, City-I, Sonipat along with custody certificate has been filed on behalf of respondent- State.

5. Learned State counsel has opposed the bail petition by pointing out that the co-accused were arrested with the robbed car and in their disclosure statement, they have nominated the petitioner. However, learned State counsel, on instructions from ASI Kuldeep Singh, concedes that despite the fact that occurrence took place in the morning time, neither any Test Identification Parade was conducted nor the complainant during his testimony before the Trial Court established the identity of the petitioner to be one of the robbers.

6. Having regard to the above facts and circumstances, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

September 21, 2023

Neetika Tuteja

(DEEPAK GUPTA)

JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No