

Date of Decision: March 03, 2023

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

By way of this petition filed under Section 439 Cr.P.C., petitioner has prayed for grant of regular bail to the petitioner in case FIR No.297 dated 01.09.2022 registered under Sections 34, 392, 379B IPC at Police Station Asuada, District Jhajjar (Haryana).

As per FIR version, 3-4 persons caught hold of the complainant on 31.08.2022 at around 07:30 PM, gave a cut on his right ear and snatched a mobile phone which was of Vivo model, colour blue having sim No.JIO 9306869016.

It is contended by learned counsel for the petitioner that

snatched mobile was of blue colour, whereas recovery is of silver colour mobile is shown from the petitioner. It is further pointed out that no test identification parade has been effected.

As per custody certificate, petitioner has no criminal antecedents. Police report does not reveal that any call detail records of the mobile number as mentioned in the FIR were collected in order to match with the recovered mobile to see as to whether that number was ever used in the mobile as recovered from the petitioner.

Having regard to the aforesaid facts, but without commenting anything on merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing personal bail bonds and surety bonds to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate concerned.

March 03, 2023

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(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking:	Yes/No
Whether reportable:	Yes/No