

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-49488-2023

Date of decision : 06.10.2023

Rajiv**..... Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Ms. Gurmeet Kaur, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.218 dated 02.05.2023, registered for the offences punishable under Sections 379-B of IPC (Sections 201 and 34 of IPC added later on), at Police Station Sector 32-33, District Karnal.
2. FIR was registered against six unknown persons who were riding the motorcycle when they committed the offence by snatching mobile phone and Rs.2200/-, identity card and licence from the complainant.
3. As per the case of the prosecution, during the investigation Sunny and Manish were initially apprehended and their confession in police custody led to nomination of the petitioner and it has been contended that the petitioner was identified by the complainant while in police custody and even the motorcycle was recovered from him.
4. Counsel for the petitioner submits that the petitioner has been falsely implicated. There is no description of the motorcycle in the FIR.

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Leave aside the number of motorcycle, even the colour of the same has not been described. The motorcycle which allegedly has been recovered from the petitioner belongs to his brother-in-law (jija). The investigation has been completely botched to that extent that without conducting any test identification parade, it has been claimed by the prosecution that the petitioner was identified by the complainant. She thus submits that there is nothing on record that incriminates the petitioner at this stage. She further submits that the petitioner has no criminal antecedents and thus deserves to be released on bail.

5. Counsel for the State does not dispute that no test identification parade was conducted, but asserts that the petitioner was indeed identified by the complainant. It is also not disputed that the challan already stands presented and thus, there cannot be any apprehension that the petitioner shall tamper with the evidence.

6. Without commenting on the merits of the case, keeping in view the incarceration suffered by the petitioner and the fact that the investigation already stands concluded, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

06.10.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No