



CRM-M-33855-2024

[1]

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

[240]

CRM-M-33855-2024

Date of decision: 23.07.2024

Vikrant @ Vikki

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Prashant Singh, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.101 dated 04.05.2024 for offence punishable under Section 392 of Indian Penal Code, 1860 and 25 of the Arms Act, 1959 (later on Section 201 IPC added and Section 25 of the Arms Act was deleted) registered at Police Station, Sector-6, District Rewari (Haryana).

2. Learned counsel for the petitioner submits that the occurrence in question allegedly took place in the intervening night of 2/3rd of May, 2024, however, the FIR in question came to be registered only on 4th of May, 2024, which leaves no manner of doubt that a false and fabricated case has been brought forth by the complainant. It has still further been submitted that the petitioner being innocent and not being in any manner connected with the crime in question is evident from the fact that when the *Test Identification Parade* was carried out after his arrest, concededly the complainant was unable to identify the petitioner as being one of the assailants, who threatened and snatched his belongings on the fateful day.



It has further been argued that the petitioner has no criminal antecedents, investigation in the present case is complete as challan stands presented, coupled with the fact that even charges have been framed. However, since none of 13 witnesses cited by the prosecution have been examined till date, further incarceration of the petitioner would serve no useful purpose as the trial would take considerable time to conclude.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Manipal, has not disputed that investigation is complete and charges stand framed. However, he submits that next date fixed before the trial Court is 26.07.2024, when the prosecution evidence is likely to commence.

4. On a pointed query put to the learned State counsel, as to whether or not the petitioner had been identified by the complainant during a Test Identification Parade, he on instructions, has replied in the negative.

5. I have heard learned counsel for the parties and perused the relevant material placed on record.

6. As per allegations levelled in the FIR, which has been reproduced in the body of the petition, on the intervening of 2/3rd May, 2024 at about 12:30 A.M., two boys came on a motorcycle and stopped it next to the complainant; while one of them stepped down from his motorcycle and caught the complainant by his neck, another boy threatened him at knife point and asked him to part with all his belongings including mobile handset and Rs.4300/-, which the complainant was



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carrying in his wallet and, thereafter, they fled away from the spot.

7. As not disputed in the test identification parade, the petitioner has not been identified by the complainant.

8. However, be that as it may, this Court would refrain from commenting upon the same, as the said fact would be delved into by the trial Court; since the trial would take considerable time to conclude, as prosecution evidence is likely to commence only on 26.07.2024, further incarceration of the petitioner would not serve any useful purpose, more so, when the petitioner is not stated to be involved in any other criminal case.

9. In the facts and circumstances as enumerated hereinabove, this Court, therefore, deems it fit to extend the concession of bail to the petitioner.

10. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on her furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

11. Needless to add, in case the petitioner misuses the concession of bail granted to her, the State would be at liberty to seek cancellation of the same.

JULY 23, 2024
*Anjal**

(MANJARI NEHRU KAUL)
JUDGE

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