

S. No.222

2024:PHHC:036913

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

CRM-M-38247 of 2023

Date of Decision:14.03.2024

Omrav Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ranbir Singh Sekhon, Advocate for
Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.60 dated 20.05.2023 registered under Sections 392, 397 IPC and Sections 25, 27 (Act No.54 of 1959) of Arms Act, 1959 at Police Station Cantt Ferozepur, District Ferozepur, Punjab.

Allegations are that on 20.05.2023, at about 03:30 PM, Rahul Gupta was present at the shop on which he was employed as a Clerk, when two boys in muffled faces came there. One of them took out a pistol due to which the complainant was scared. The second boy threatened him and snatched ₹45,000/- from the drawer. The snatchers also took away a mobile phone lying in the chest of the table. Further prosecution case is that on the same day, i.e. 20.05.2023, petitioner was identified by the complainant during a Test Identification Parade.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated and that the two snatchers as per the FIR were in muffled faces. Learned counsel has also shown the copy of the proceedings recorded at the time of alleged Test Identification Parade, which would reveal that only the

petitioner was shown to the complainant, which in no way can be considered to be Test Identification Parade in the legal parlance.

Learned counsel further submits that the petitioner is in custody for the last more than 09 months and that co-accused Chanchal Singh, has already been allowed bail by the trial Court vide order dated 24.01.2024 .

Learned State Counsel could not refute any of the afore-said contentions, particularly the fact that only the petitioner was shown at the time of Test Identification Parade to the complainant.

Having regard to the afore-said facts and circumstances of the case, but without commenting anything on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

March 14, 2024
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(DEEPAK GUPTA)
JUDGE

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