



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

CRM-M No.38415 of 2024
Date of decision: 13th August, 2024

Neesu Kumar & another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Prashant Singh Chauhan, Advocate for the petitioners.

Mr. Gagandeep S. Chhina, Asst. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.101 dated 04.05.2024 under Section 392 of the IPC, Sections 186 & 25 of the Arms Act, 1959 (Section 25 of Arms Act deleted and Section 201 IPC added later on) registered at Police Station Sector 6, District Rewari.

2. Learned counsel for the petitioners submits that the occurrence in question allegedly took place in the intervening night of 2nd and 3rd of May, 2024. The FIR, however, was lodged only on 04.05.2024, clearly hinting towards a false and fabricated case having been brought forth by the complainant. It has, still further, been submitted that when the Test Identification Parade (TIP) was carried out after arrest of both the petitioners, the complainant failed to identify



them as being the assailants, who had threatened and snatched his belongings on the fateful night. It has also been submitted that identically placed co-accused Vikrant alias Vicky has since been extended the concession of bail by this Court vide order dated 23.07.2024 (Annexure P-3). Learned counsel submits that in the circumstances, since the petitioners also are not involved in any other criminal case coupled with the fact that 13 prosecution witnesses have been cited, further incarceration of the petitioners 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 the counsel opposite, on instructions, has not disputed that not only has the challan been presented but even charges framed. It has also not been disputed by the learned State counsel that the complainant failed to identify the petitioners during TIP and that the case of the petitioners is at par with that of co-accused Vikrant @ Vicky, who has since been enlarged on bail by this Court.

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

5. As per the allegations levelled in the FIR, which has been reproduced in the body of the petition, on the intervening night of 2nd/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 ₹4,300/-, which the complainant was carrying in his wallet and, thereafter, they fled away from the spot.

6. Undisputedly, during the TIP, the petitioners were not identified by the complainant.

7. 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 23.08.2024, further incarceration of the petitioners would not serve any useful purpose, more so, when the petitioners are not stated to be involved in any other criminal case.

8. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioners. The petition as such is allowed and the petitioners are admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.



9. Needless to add here, in case the petitioners misuse the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

August 13, 2024
rps

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