



**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-53483-2023 (O&M)
Date of Decision:- 20.08.2024

Sanjay alias Kalwa ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.S.Nain, Advocate, for the petitioner.
Mr. Neeraj Sheoran, DAG, Haryana.

FIR NO.	DATE	POLICE STATION	OFFENCES
384	11.12.2022	Rajendra Park, District Gurugram	395, 397 IPC and Section 25(1b)(a) of Arms Act

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. The FIR was lodged at the instance of Kailash wherein it is alleged that on 11.12.2022 when he was proceeding from Rohtak to



Badshahpur in his vehicle bearing registration No.HR-69-C-8550, then he was waylaid by 6 boys who came on motorcycles who had stopped his vehicle and who caught hold of him, threatened him, gave beatings to him and took away the money carried by him. It is alleged that the said assailants were addressing each other as Pravesh, Akash, Nitin, Shubham, Laddu and Kaluwa.

3. Learned counsel for the petitioner submitted that he has falsely been involved in the present case and that when a test identification parade was conducted before the Illaqa Magistrate, the complainant could not identify the petitioner to be the assailant. It has further been submitted that the petitioner in any case has been behind bars since the last more than 1 year and 2 months.
4. Opposing the petition, learned State counsel submitted that since the petitioner is specifically named in the FIR, his complicity is clearly evident. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last more than 1 year, 2 months and 6 days and that as on date none out of the cited 22 PWs has been examined.
5. This Court has considered the rival submissions addressed before this Court.
6. Although the petitioner is named in the FIR, he was not identified when test identification parade was conducted before the Illaqa Magistrate. He has been behind bars for a substantial period of 1



year, 2 months and 6 days. Conclusion of trial is likely to consume time inasmuch as none out of the cited 22 PWs has been examined till date. Under these circumstances, further detention of petitioner will not be justified. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

20.08.2024
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No