

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-15179 of 2015

.....

Date of decision:3.11.2015

Ganesh Mathur and another

.....Petitioners

v.

State of Haryana

.....Respondent

....

Present: Mr. Gautam Dutt, Advocate for the petitioners.

Mr. Anmol Malik, Assistant Advocate General, Haryana for
the respondent-State.

.....

Inderjit Singh, J.

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.88 dated 19.3.2013 registered for the offences under Sections 4 and 5 of Explosive Substances Act and Sections 336 and 120-B IPC at Police Station Tauru, District Mewat.

Notice of motion has been issued in this case.

Mr. Anmol Malik, learned Assistant Advocate General, Haryana has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioners and learned Assistant Advocate General, Haryana appearing for the respondent-State and have gone through the record.

Learned counsel for the petitioners argued that earlier the FIR was registered against three persons, namely, Nazeer, Nasir and Rukmuddin

[2]

and after their trial they have been acquitted. Later on, another charge-sheet has been filed against one accused Jakaria and the name of the present petitioners surfaced for the first time. Jakaria has already been granted the concession of pre-arrest bail.

The present petitioners have already joined the investigation. As stated they are not required for any custodial interrogation. No useful purpose will be served by sending the petitioners to custody. The petitioners are not named in the FIR. The FIR has been registered on 19.3.2013.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 12.5.2015 passed by this Court granting interim bail to the petitioners is made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

November 3, 2015.

(Inderjit Singh)
Judge

hsp