

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-16930 of 2014
Date of Decision:- 13.02.2015

Toffique and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

**Present: Mr. Sarfraj Hussain, Advocate,
for the petitioners.**

**Mr. Naveen Sheoran, D.A.G., Haryana
for the State.**

MEHINDER SINGH SULLAR, J.(oral)

The petitioners have preferred the instant petition for the grant of anticipatory bail, in a case registered against them along with their other co-accused, vide FIR No.259 dated 22.10.2013, on accusation of having committed the offences punishable under Sections 148, 149, 323, 427, 341 and 506 IPC, by the police of Police Station Ferozepur Jhirka, District Mewat.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and after considering the entire matter deeply, to my mind, the present petition for anticipatory bail deserves to be accepted in this context.

4. During the course of preliminary hearing, the following order was passed by a Co-ordinate Bench of this Court (T.P.S. Mann, J.) on May 16, 2014: -

“Learned counsel for the petitioners submits that till date the petitioners have not been declared as a proclaimed offender. He further states that all the offences, except the offence under Section 506 IPC levelled against the petitioners, are bailable.

Notice of motion to Advocate General, Haryana for 18.8.2014.

In the meantime, the petitioners shall appear before the Investigating Officer on 23.5.2014 at 11.00 a.m. and join the investigation. In the event of their arrest, they be admitted to interim bail by the Investigating Officer/ Arresting Officer to his satisfaction. They shall, however, abide by all the conditions as envisaged by Section 438(2) Cr.P.C.”

5. At the very outset, on instructions from ASI Fateh Singh, learned State Counsel has acknowledged the relevant factual matrix and submitted that the petitioners have already joined the investigation. They are no longer required for further interrogation, at this stage. There is no history of their previous involvement in any other criminal case. Moreover, all the offences alleged against the accused are triable by the Court of Magistrate. Even, since the prosecution has not yet submitted the final police report (challan) against the accused, so, the final conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons, the instant petition for anticipatory bail is accepted. The interim bail already granted to the petitioners, by virtue of indicated order of this Court, is hereby made absolute, subject to the compliance of the conditions, as contemplated under Section 438(2) Cr.P.C.

Needless to mention that, nothing observed here-in-above, would reflect, in any manner, on merits of the case, as the same has been so recorded for a limited purpose of deciding the present petition for anticipatory bail. At the same time, in case, the petitioners do not cooperate or join the investigation, the prosecution would be at liberty to move a petition for cancellation of their bail, in this Court.

February 13, 2015
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(MEHINDER SINGH SULLAR)
JUDGE