

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

CRM-M-18258-2015

Date of Decision: 04.06.2015

Vijay @ Bijender Singh and anr.

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr. Shiv Kumar, Advocate,
for the petitioners.

Ms. Tanisha Peshawria, DAG, Haryana.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

AMIT RAWAL, J. (ORAL)

Mr. Shiv Kumar, Advocate, has filed this petition on behalf of two petitioners namely Vijay @ Bijender Singh-petitioner No.1 and Abhishek-petitioner No.2. He submits that since Vijay @ Bijender Singh-petitioner No.1 has been arrested and released on bail, this petition viz-a-viz may be treated as having been rendered infructuous qua the said petitioner.

Ordered accordingly.

Learned counsel for the petitioners submits that petitioner No.2 is sought to be arrested for a commission of alleged offences under Section 148, 149, 323, 341, 427 and 506 IPC in FIR No.195 dated 08.04.2015 with Police Station Suraj Kund, Faridabad.

While issuing notice of motion, it has been brought to the notice of the Court that there is another FIR registered against the petitioner bearing FIR No.327 dated September 19, 2014, which has been

compromised and no recovery has to be made from petitioner No.2. Therefore, custodial interrogation of the petitioner is not necessary.

Ms. Tanisha Peshawaria, DAG, Haryana, on instructions from SI Rajbir Singh submits that there is one more FIR registered against the petitioner bearing FIR No.21 dated January 24, 2013 under Sections 285 and 386 IPC and Section 3 of the Explosive At. Therefore, the petitioner No.2 is a habitual offender and, therefore, no concession of anticipatory bail may be granted.

Be that as it may, the facts remains that no recovery has to be effected from petitioner No.2 and he has undertaken to attend the investigation. Allegations in the present FIR would be considered by the trial Court during the course of trial, if any. Accordingly, this petition is allowed and the arrest of petitioner No.2 shall remains stayed. However, in the event of his arrest, petitioner No.2 shall be released on bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Faridabad. Petitioner No.2 shall abide by all the terms and conditions as envisaged under Section 438(2) Cr.P.C. It is made clear that this order shall not construe any expression on merits of the case as well as any concession viz.- a-viz. FIR No.21 dated January 24, 2013.

June 04, 2015
sukhpreet

(AMIT RAWAL)
JUDGE