

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

Crl.Misc. No.M-19450 of 2015
Date of Decision : 13.8.2015

Salim @ Saleem Ahmad

.....Petitioner

Vs.

State of Haryana

.....Respondent

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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Present : Mr. B.S. Rana, Sr. Advocate with Mr. Gagandeep Rana,
Advocate for the petitioner.
Mr. M.K. Sangwan, DAG, Haryana.
Mr. S.S. Bawa and Mr. Azad Iqbal, Advocates for the
complainant.

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1. To be referred to the Reporter or not ?
2. Whether the judgement should be reported in Digest ?

RAMESHWAR SINGH MALIK, J

Petitioner seeks pre-arrest bail in FIR No.723 dated 24.9.2014 under Sections 307/34 IPC and Section 25 of the Arms Act registered at Police Station Sohna, Distt. Gurgaon.

Notice of motion was issued and interim protection was granted.

Learned Senior counsel for the petitioner submits that in compliance of the order passed by this court, petitioner has appeared before the learned trial court. He submits that in fact, he was declared innocent by the investigating agency itself and no challan was presented against him before the court. However, he came to be summoned with the aid of Section 319 Cr.P.C. Learned

Senior counsel for the petitioner concluded by submitting that since custodial

interrogation of the petitioner is not required and will face the criminal trial, he is entitled for the concession of anticipatory bail. He prays for allowing the present petition.

Learned counsel for the State, on instructions from ASI Parmanand, Police Station Sohna, Distt. Gurgaon, submits that since the petitioner was declared innocent by the investigating agency itself, he was not required for the purpose of any further investigation. However, he is not aware, whether the petitioner has appeared before the learned trial court or not.

Learned counsel for the complainant, however, vehemently contended that petitioner was one of the main accused, but the investigating agency has illegally declared him innocent. This was the main reason that sufficient material was made available against the petitioner, because of which the learned trial court summoned the petitioner with the aid of Section 319 Cr.P.C. He prays for dismissal of the present petition.

Having heard learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this court is of the considered opinion that in the peculiar facts and circumstances of the case, petitioner has been found entitled for the concession of anticipatory bail. It is so said because it is undisputed position on record that petitioner was declared innocent by the investigating agency. No challan against him was presented before the court. During the course of trial, petitioner came to be summoned by the court under Section 319 Cr.P.C. In such a situation, custodial interrogation of the petitioner would not be required.

In view of the above and without commenting anything further on the merits of the case, lest it should prejudice the rights of either of the parties,

instant petition is allowed. Order dated 9.6.2015 passed by this court is hereby made absolute.

Disposed of, accordingly.

13.8.2015
GS

(RAMESHWAR SINGH MALIK)
JUDGE