

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

CRM-M-20531-2015

Date of decision: 25.08.2015

Parv Nanda

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. J.S. Mehndiratta, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. AG, Haryana.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No.356 dated 21.09.2014 under Sections 148, 149, 427, 436, 452 IPC, Sections 323, 325, 285, 336, 292, 342, 307 IPC (added later on), Section 3(2) (iii) (iv) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 25 of Arms Act, registered at Police Station Madhuban, District Karnal.

Notice of motion was issued and interim protection was granted.

Learned counsel for the petitioner submits that in the FIR, no specific allegation was levelled against any of the accused, including the petitioner. It was alleged that all were holding sticks, dangs and iron rods. He further submits that in compliance of the order passed by this Court, petitioner has already joined the investigation and also cooperated with the investigating agency. Petitioner is no more required for the purpose of any further investigation. He prays for allowing the present petition.

Learned counsel for the State, on instructions from ASI Ved Pal, Police Station Madhuban, District Karnal, submits that although the petitioner has joined the investigation but since he was armed with a pistol, the same is yet to be recovered from him and for the said purpose, his custodial interrogation is required. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after careful perusal of the record of the case, this Court is of the considered opinion that in the given fact situation of the present case, petitioner has been found entitled for the concession of anticipatory bail. It is so said because a combined reading of the FIR as well as DDR would show that the complainant did not allege that the petitioner was armed with a pistol. In the FIR as well as in the DDR, only danda and iron rods have been alleged against all the accused, including the petitioner. It is not denied that the petitioner has joined the investigation, in compliance of the order passed by this Court.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, instant petition is allowed and the order dated 26.06.2015 passed by this Court is hereby made absolute, however, subject to the conditions envisaged under Sections 438 (2) Cr.P.C.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

25.08.2015
vishnu