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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-21015 of 2015 (O&M)

Date of decision: November 06, 2015

Harkesh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Ashit Malik, Advocate
for the petitioner.

Ms. Mahima, AAG Haryana.

SABINA, J

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in FIR No.143 dated 27.04.2015, under Sections 147, 148, 188, 307, 353, 379 of Indian Penal Code, 1860, registered at Police Station Chandhut, District Palwal.

Following order was passed by this Court on 14.07.2015:-

"Counsel for the parties have been heard.

Petitioner seeks the concession of pre-arrest bail in case FIR No.143 dated 27.04.2015, under Sections 147/148/188/307/353/379 IPC, registered at Police Station Chandhut, District Palwal.

Perusal of the FIR would reveal that there are allegations with regard to illegal mining being carried out from the Yamuna river by certain persons with the help of a JCB machine. Further allegations are that coaccused including the petitioner had exhorted the JCB driver, Mahesh to run over the police officials who had conducted the raid. Precise allegation in the FIR is that on the asking and exhortation of co-accused and present petitioner Harkesh, the JCB driver tried a

number of time to run over the police officials, who were sitting in a gypsy vehicle.

On a specific query having been put to learned State counsel, who is on instructions from ASI Dashrath, it has been conceded that there was no contact established between the JCB machine and the gypsy vehicle and as such, there was no occasion for any police official to have suffered even a single injury.

List on 06.11.2015.

Petitioner is directed to join investigation and to appear before the Investigating Officer on 20.07.2015.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C."

Learned State counsel who is assisted by Assistant Sub Inspector Darshan Singh has submitted that petitioner has joined investigation and is not required for further investigation.

Accordingly, interim bail granted to the petitioner by this Court vide order dated 14.07.2015, is made absolute.

Petition stands disposed of accordingly.

**(SABINA)
JUDGE**

November 06, 2015
mahavir