

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22 of 2015 (O&M).
Decided on:-August 13, 2015.

Krishan and anotherPetitioners.

Versus

State of Haryana.Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

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?

Present:- Mr. Naresh Kaushik, Advocate
for the petitioners.

Mr. Kapil Aggarwal, Addl. A.G., Haryana.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioners in case FIR No.383 dated 24.12.2014 under Sections 182/193/420/468/471/34 IPC, registered at Police Station Rai, District Sonapat.

This Court vide order dated January 02, 2015 had granted interim bail to petitioner No.2 Bhalle Ram subject to his joining investigation and complying the provisions of Section 438(2) Cr.P.C.

However, on 12.1.2015, learned counsel for the State, on instructions from ASI Suresh Kumar, had submitted that though the petitioner No.2 had joined the investigation but recovery of Swift car was

yet to be effected from the petitioners.

Accordingly, vide order dated 12.1.2015, petitioner No.1 Krishan was also granted interim bail by this Court subject to his joining investigation and complying the provisions of Section 438(2) Cr.P.C. and both the petitioners were directed to fully cooperate in the investigation of the case.

However, on 26.2.2015, learned Counsel for the State, on instructions from ASI Suresh Kumar, submitted that recovery of Swift car was yet to be effected. As such, the petitioners were further directed to join investigation before the investigating officer.

Learned counsel for the State, on instructions from DSP Sunil Kumar, who is present in the Court today, submits that though the petitioners had joined the investigation on 3.7.2015 but recovery of number plate is yet to be effected.

Learned counsel for the petitioners submits that, in fact, the registration number of the vehicle is HR-10V-5399 whereas the police while challaning the vehicle had mentioned its registration number as HR-10V-5339.

Since the petitioners were challaned without registration certificate of the vehicle as the same was not in possession of the petitioners, there is a possibility that the police has wrongly read the registration number.

As the aforesaid fact is yet to be established during the trial and

considering the fact that the offences involved in the petition are triable by Magistrate, the present petition is allowed and the orders dated 2.1.2015 and 12.1.2015 whereby petitioners No.2 and 1 respectively were granted interim bail, are made absolute.

However, the petitioners shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) Cr.P.C.

It is made clear that the observations made hereinabove shall not be construed as reflection of any opinion on the merits of the main case and the trial Court shall decide the case on the basis of availability of evidence and without being influenced by the fact that the petitioners have been admitted interim bail by this Court.

(HARI PAL VERMA)
JUDGE

August 13, 2015
'Yag Dutt'