

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

Crl.Misc. No.M-22838 of 2015
Date of Decision : 21.8.2015

K.P. Singh and others

.....Petitioners

Vs.

State of Haryana

.....Respondent

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

...

Present : Mr. Aman Pal, Advocate for the petitioners.
Mr. Shivender Swroop, AAG, Haryana.

...

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

RAMESHWAR SINGH MALIK, J

Petitioners seek pre-arrest bail in FIR No.352 dated 17.6.2015 under Sections 147,148,323,324,341,506 IPC registered at Police Station Sarai Khawaja, Distt. Faridabad.

Notice of motion was issued and interim protection was granted.

Learned counsel for the State, on instructions from ASI Kuldeep, Police Station Sarai Khawaja, Sector 37, Faridabad, submits that although the petitioner has joined the investigation, but all the recoveries could not be made from the petitioners.

On the other hand, learned counsel for the petitioners submits that as and when they were required, petitioners joined the investigation and fully cooperated with the investigating agency. In this view of the matter, custodial

interrogation of the petitioners is not required, even as per the statement made by learned counsel for the State. He prays for allowing 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 keeping in view the totality of facts and circumstances of the case, custodial interrogation of the petitioners is not required and they have been found entitled for the concession of anticipatory bail. It is so said because allegation against petitioners no.1 and 2 is only fist blow. It is also not denied by learned counsel for the State that the petitioners have already joined the investigation in compliance of the order passed by this court.

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 16.7.2015 passed by this court is hereby made absolute, however, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

21.8.2015
GS

(RAMESHWAR SINGH MALIK)
JUDGE