

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207

CRM-M No.255 of 2015

Date of Decision:28.01.2015

Gulshan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

**Present: Mr.J.S.Khattar, Advocate,
for Mr.G.C.Shahpuri, Advocate,
for the petitioner.**

**Mr.Raj Kumar Yadav, Deputy Advocate General,
Haryana, for the respondent-State.**

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of concession of anticipatory bail in a case registered against him along with his other co-accused, vide FIR No.931 dated 13.12.2014, on accusation of having committed the offences punishable under Sections 506, 294, 216, 120-B and 504 IPC, by the police of Police Station City Jind.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and considering the entire matter deeply, to my mind, the present petition for anticipatory bail deserves to be accepted in this context.

4. During the course of preliminary hearing, the following

order was passed on January 07, 2015 by this Court:-

“Learned counsel, inter alia, contended that the petitioner has been falsely implicated in this case, at the instance of complainant, in order to put pressure and wreak vengeance. The argument is that all the offences alleged against the accused are bailable, except an offence punishable under Section 506 IPC(which according to him is not made out). Moreover, the telephone in question belonged to his wife Pooja, who had very strange relations with him. The argument further proceeds that earlier also she has filed a complaint against the petitioner, which was inquired into and allegations contained therein were found to be false by the police.

Heard.

Notice of motion be issued to the respondent, returnable for 28.01.2015.

Meanwhile, the petitioner is directed to join the investigation before the next date of hearing. In the event of his arrest, the Arresting Officer would admit him to bail on his furnishing adequate bail and surety bonds in the sum of Rs.25,000/- to his satisfaction.”

5. At the very outset, on instructions from ASI Krishan Kumar, learned State Counsel has acknowledged the factual matrix and submitted that the petitioner has already joined the investigation. He is no longer required for further interrogation, at this stage. There is no history of his previous involvement in any other criminal case. Moreover, all the offences alleged against the accused are triable by the Court of Magistrate. Even, since the prosecution has not yet submitted the final police report(challan) against the accused, so, the conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons, taking into consideration the peculiar facts & the special circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of

trial of the main case, the instant petition for anticipatory bail is accepted. The interim bail already granted to the petitioner, by way of indicated order of this Court, is hereby made absolute, subject to the compliance of the conditions, as contemplated under Section 438(2) Cr.P.C.

Needless to mention that, nothing observed here-in-above, would reflect, on merits in the trial of the case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for pre-arrest bail. At the same time, in case, the petitioner does not cooperate or join the investigation, the prosecution would be at liberty to move a petition for cancellation of his bail in this Court.

January 28, 2015
seema

(MEHINDER SINGH SULLAR)
JUDGE