

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc.No.M-25570 of 2015 (O&M)

Date of decision: 12th October, 2015

Subash Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Rakesh Chopra, Advocate,
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab,
for the respondent(s)-State.

INDERJIT SINGH, J.

Petitioner has preferred the instant petition for grant of anticipatory bail in case FIR No.273 dated 17.10.2011, registered at Police Station City Rajpura, under Sections 409, 420, 468, 471 IPC.

Notice of motion was issued.

At the time of arguments, learned counsel for the petitioner contended that the petitioner was found innocent during investigation and the learned trial Court has summoned him on the application under Section 190(1)(a) Cr.P.C. Learned counsel for the petitioner further contended that the petitioner is not required for any investigation or interrogation purposes as the challan has already been presented.

On the other hand, learned State counsel contested this petition and prayed for dismissal of the same.

Criminal Misc.No.M-25570 of 2015 (O&M)

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

In the FIR, the main allegations are levelled against Ram Murti, Custodian-cum-helper, Markfed, Rajpura and the only allegation in the said FIR against the petitioner is regarding his negligence in performing his duties. As the petitioner was not challaned and he has been summoned on the application under Section 190(1)(a) Cr.P.C., therefore, he is not required for investigation or interrogation purposes nor anything is to be recovered from him. He is only to face the trial. The petitioner has already appeared before the learned trial Court in pursuance of the interim order dated 06.08.2015, passed by this Court. No useful purpose will be served by sending him to custody.

Therefore, keeping in view the facts and circumstances of the present case and without discussing the facts of the case in minute details and without expressing any opinion on the merit of the case, the present petition is accepted and the order dated 06.08.2015, passed by this Court, granting interim bail to the petitioner is made absolute.

12th October, 2015
mamta

(INDERJIT SINGH)
JUDGE