

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-30608-2015

Date of decision: 05.11.2015

Sandeep @ Tinya

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Amit Prashar, Advocate
for the petitioner.

Mr. Kapil Aggarwal, Addl. AG, Haryana.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No.201 dated 16.07.2015 under Sections 148, 149, 323, 325, 341, 506 IPC (Section 326 IPC was added later on), registered at Police Station Narnaul, District Mahendergarh.

Notice of motion was issued and interim protection was granted.

Learned counsel for the petitioner submits that in compliance of the order passed by this Court, petitioner has joined the investigation and cooperated with the investigating agency. Custodial interrogation of the petitioner is not required. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from HC Pardeep Kumar, Police Sadar Narnaul, submits that although petitioner has joined the investigation but he has not cooperated with the investigating agency in getting the recovery effected, particularly that of a lathi and motorcycle which were used for commission of the offence. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after going through the record of the case, this Court is of the considered opinion that keeping in view the totality of facts and circumstances of the case, petitioner has been found entitled for the concession of pre-arrest bail. It is so said because except the petitioner, all other co-accused have been arrested and released on bail.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, instant petition is allowed and the order dated 29.09.2015 passed by this Court, is hereby made absolute, however, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

05.11.2015
vishnu