

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

CRM-M-No. 32288 of 2015

Date of decision: September 24, 2015

Jakir Hussain

----Petitioner(s)

V/s

State of Haryana

-----Respondent(s)

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. Vipul Aggarwal, Advocate for the petitioner.

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

HARI PAL VERMA, J. (Oral)

Prayer made in the present petition filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 235, dated 05.04.2015 for offence punishable under Sections 399/402/34 IPC (Section 411 of IPC subsequently added) and under Section 25 of the Arms Act, 1959 (for brevity “the Act”) registered at Police Station Nuh, District Mewat (Annexure P-1).

Learned counsel for the petitioner contends that the petitioner is not only a diabetic patient, he is also over-weight and can hardly escape from the spot while running. He further submits that the petitioner belongs to the respectable family, as his father was *Sarpanch*

of the Village Indana for the last about 43 years. His family is having a great goodwill in the village. There is no other case pending/registered against him.

Learned counsel for the State, on instructions from ASI-Kanwar Pal, submits that the petitioner was found making preparation for committing *dacoity* along with other co-accused. He further submits that recovery of weapon is required to be made from the petitioner.

Heard.

The allegation against the petitioner is that he will use and park the truck in front of the other truck while in the preparation of committing *dacoity* and coupled with the fact that no *dacoity* has taken place, therefore, the alleged weapon has not been used. The petitioner is stated to be a diabetic patient and no role has been attributed to him except to park the truck in the event of execution of *dacoity*. Therefore, the present petition is deserved to be allowed.

Accordingly, in the event of arrest of petitioner, he shall be admitted on anticipatory bail to the satisfaction of the arresting officer. The petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

However, it is made clear that in case, the petitioner is found to be involved in any other case of similar nature in future, prosecution shall be at liberty to get the cancellation of his bail.

September 24, 2015

Anjal

**[HARI PAL VERMA]
JUDGE**