

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-33118 of 2015

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Date of decision:9.10.2015

Nazim Ansari and others

...Petitioners

v.

State of Haryana

...Respondent

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Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Aman Pal, Advocate for the petitioners.

Mr. Anmol Malik, Assistant Advocate General, Haryana for
the respondent-State.

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Inderjit Singh, J.

The petitioners have filed this petition under Section 438 Cr.P.C. for the grant of anticipatory bail in case FIR No.129 dated 22.5.2015 registered for the offences under Sections 328, 376, 389, 182 and 120-B IPC (and Sections 420, 384, 468 and 471 IPC, which were added later on) at Police Station Chandimandir, District Panchkula.

On 28.9.2015, learned counsel for the petitioners has prayed that petition qua petitioner No.1 Nazim Ansari may be dismissed as withdrawn and the same was dismissed as withdrawn accordingly.

Notice of motion has been issued in this case qua petitioners No.2 to 4 only.

Mr. Anmol Malik, learned Assistant Advocate General,

Haryana, has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the parties and have gone through the record.

Learned counsel for petitioners Nos.2 to 4 argued that Hasim Ansari, Salim Ansari and Rajni-petitioners No.2 to 4 were already on regular bail. The FIR for the offences under Sections 328 and 376 IPC has been got registered on behalf of the present petitioner No.4. Learned counsel for the petitioners No.2 to 4 argued that the petitioners were on regular bail in FIR registered for the offences under Sections 389, 182 and 120-B IPC and later on some offences under Sections 420, 384, 467 and 471 IPC etc. IPC have been added. Learned counsel for petitioners No.2 to 4 argued that the challan against petitioners No.2 and 4 Hasim Ansari and Rajni have already been filed in the Court whereas no challan has been filed against petitioner No.3 Salim Ansari.

Keeping in view the facts and circumstances of the present case and the fact that petitioners No.2 to 4 were already on regular bail and on the same facts the other offences have been added in the FIR, no useful purpose will be served by sending them to custody. Accused Hasim Ansari and Rajni against whom the challan has already been presented are not required for investigation or interrogation purposes. They are only to face the trial.

Keeping in view the facts and circumstances of the present case, I accept this criminal miscellaneous petition of Hasim Ansari, Salim

[3]

Ansari and Rajni. However, challan has not been presented against Salim Ansari, therefore, Salim Ansari-petitioner No.3 shall be admitted to bail on his furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. The petitioner No.3 shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

October 9, 2015.

(Inderjit Singh)
Judge

hsp