

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

CRL. MISC. No.M-3353 OF 2015
DATE OF DECISION : 4th MAY, 2015

Gaffar

.... Petitioners

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

* * * *

Present : Mr. Mohammad Arshad, Advocate for the petitioner.
 Mr. Baljinder Singh Virk, Deputy Advocate General, Haryana.
 Mr. Ambhimany Singh, Advocate for the complainant.

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SURINDER GUPTA, J. (ORAL)

Heard.

As per the allegation in the FIR No.595 dated 01.09.2014, complainant-Almuddin @ Ali Mohd. was going on three wheeler on 01.09.2014. When he reached near the petrol pump, the petitioner accompanied by 4 more persons pulled him out of the three-wheeler and took him in a car but on the way the made him alight from the car near Mewali turn.

Learned counsel for the petitioner submits that the allegations are outcome of property dispute. The petitioner has already joined the investigation. No recovery is to be effected by the police from him.

The learned counsel for the complainant submits that the petitioner was declared proclaimed offender in a case bearing FIR No.278 dated 17.05.2006 registered at Police Station Nuh and being a proclaimed offender he is not entitled to benefit of anticipatory bail.

Refuting the submissions of learned counsel for the complainant, learned counsel for the petitioner submits that in case bearing FIR No.278 dated 17.05.2006, the petitioner has already been allowed bail vide order dated 17.04.20015 passed by Chief Judicial Magistrate, Mewat.

Learned State counsel submits that the petitioner is on bail in the other cases and he has also joined the investigation in this case as well.

In view of the facts and circumstances stated hereinbefore and that custodial interrogation of the petitioner is not required in this case, the petition is allowed and the order allowing anticipatory bail dated 02.02.2015 is made absolute till the presentation of challan, subject to following terms:

- (i) The accused shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the accused shall have to apply for bail afresh before the trial Court.
- (iii) He shall not leave the country without the previous permission of the Court.

4th May, 2015
'raj'

(SURINDER GUPTA)
JUDGE