

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207

CRM-M No.39523 of 2014

Date of Decision:15.01.2015

Kuldeep Raghav

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

**Present: Ms.Monisha Lamba, Advocate,
for the petitioner.**

**Mr.Raj Kumar Yadav, Deputy Advocate General,
Haryana, for the respondent-State.**

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of concession of anticipatory bail in a case registered against him along with his other co-accused, vide FIR No.121 dated 25.02.2014, on accusation of having committed the offences punishable under Sections 420, 467, 468, 471 and 120-B IPC, by the police of Police Station Nuh, District Mewat.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and deep consideration of the entire matter, to my mind, the present petition for anticipatory bail deserves to be accepted in this context.

4. During the course of preliminary hearing, the following order was passed on November 21, 2014 by this Court:-

“Learned counsel, inter alia, contended that neither the name of the petitioner is mentioned nor any specific role is attributed to him in the FIR. He was subsequently involved in the present case by the police at the instance of complainant on the alleged disclosure statement of his co-accused Pardeep Kumar and Ved Parkash. The argument is that the petitioner is not connected with the land in dispute nor he is beneficiary in any manner from the impugned sale deeds. Likewise, nothing is to be recovered from him. Moreover, the controversy involved in the instant petition is stated to be identical to the one raised and decided, by virtue of order dated 01.08.2014 in CRM-M No.24482 of 2014, by this Court.

Heard.

Notice of motion be issued to the respondent, returnable for 08.12.2014.

Meanwhile, the petitioner is directed to join the investigation before the next date of hearing. In the event of his arrest, the Arresting Officer would admit him to bail on his furnishing adequate bail and surety bonds in the sum of Rs.25,000/- to his satisfaction.”

5. At the very outset, on instructions from ASI Radha Raman, learned State Counsel has acknowledged the factual matrix and submitted that the petitioner has already joined the investigation. He is no longer required for further interrogation, at this stage. There is no history of his previous involvement in any other criminal case. Moreover, all the offences alleged against the accused are triable by the Court of Magistrate. Even, since the prosecution has not yet submitted the final police report(challan) against the accused, so, the conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons, taking into consideration the peculiar facts & the special circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of the main case, the instant petition for anticipatory bail is accepted.

The interim bail already granted to the petitioner, by means of indicated order of this Court, is hereby made absolute, subject to the compliance of the conditions, as contemplated under Section 438(2) Cr.P.C.

Needless to mention that, nothing observed here-in-above, would reflect, on merits in the trial of the case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for pre-arrest bail. At the same time, in case, the petitioner does not cooperate or join the investigation, the prosecution would be at liberty to move a petition for cancellation of his bail in this Court.

January 15, 2015
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(**MEHINDER SINGH SULLAR**)
JUDGE