

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

**CRM-M-42535 of 2014
Date of decision : 03.07.2015**

Salinder

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Gaurav Pathak, Advocate
for the petitioner.

Ms. Neelam Kashyap, DAG, Haryana.

DARSHAN SINGH,J(Oral)

1. The present petition has been filed by petitioner Salinder under Section 438 Cr.P.C for grant of the anticipatory bail in case FIR No. 233 dated 28.06.2012, under Sections 364, 302, 201, 34, 212, 120-B of Indian Penal Code (for short IPC), registered at Police Station Gharaunda, District Karnal.

2. On 16.12.2014, the following order was passed:-

“Learned counsel for the petitioner has submitted that petitioner is not named in the FIR and was declared innocent and has been summoned under Section 319 Cr.P.C.

Notice of motion for 16.2.2015.

In the meantime, the petitioner is ordered to be

released on interim bail to the satisfaction of trial Court.”

3. Learned counsel for the petitioner states that in compliance of the aforesaid order, the petitioner has appeared before the learned trial Court and was admitted to interim bail vide order dated 19.12.2014. He contended that petitioner was declared innocent during investigation. His name did not figure in the FIR. He was summoned under Section 319 Cr.P.C. He has already joined the trial by seeking the interim bail.

4. This factual position has not been controverted by the learned State counsel. However, she has pleaded that there is last seen evidence against the petitioner.

5. In view of the facts that petitioner has already joined the trial and he was declared innocent during investigation, his detention will not serve any purpose.

6. So, the present petition is hereby allowed and the order of interim anticipatory bail dated 16.12.2014 is hereby made absolute subject to the conditions as provided under Section 438(2) Code of Criminal Procedure, 1973.

03.07.2015

s.khan

**(DARSHAN SINGH)
JUDGE**