

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-43776 of 2014

.....

Date of decision:2.2.2015

Sikander

.....Petitioner

v.

State of Haryana

.....Respondent

....

Present: Mr. Randhir S. Hooda, Advocate for the petitioner.

Mr. Deepak Grewal, Deputy Advocate General, Haryana
for the respondent-State.

Mr. Sanjeev Kumar Panwar, Advocate for the complainant.

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.268 dated 26.5.2014 registered for the offences under Sections 420, 467, 468, 471 and 34 IPC at Police Station Hodal, District Palwal.

Notice of motion has been issued in this case.

Mr. Deepak Grewal, learned Deputy Advocate General, Haryana has put in appearance on behalf of the respondent-State and Mr. Sanjeev Kumar Panwar, learned Advocate has appeared on behalf of the complainant and contested this petition.

I have heard learned counsel for the petitioner and learned Deputy Advocate General, Haryana appearing for the respondent-State

and learned counsel for the complainant and have gone through the record.

As per the prosecution version, the FIR has been registered on the complaint of one Kaptan by stating that the present petitioner in connivance with the doctors have shown himself got admitted at National Hospital and Research Centre, Khedi Kalan, Trans-Canal Road, Faridabad with Dr. Jagdish Prashar for treatment from 19.5.2012 to 26.5.2012 falsely. As per the complainant, the present petitioner along with others had killed his son regarding which murder case has already been registered and during investigation of that case, the present petitioner submitted a medical record. It is as per the complainant, the present petitioner was present on the spot and has also fired shots.

The petitioner has already joined the investigation. The petitioner has been shown innocent in the murder case. There is no finding yet in the case as the trial is going on to show that the petitioner has prepared false medical record and he was also involved in the murder case. He is not required for custodial interrogation. Nothing is to be recovered from him. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 22.12.2014 passed by this Court granting interim bail to the petitioner is made absolute. However, the

[3]

petitioner 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.

February 2, 2015.

(Inderjit Singh)
Judge

hsp