

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-7949 of 2015 (O&M)

Date of Decision: 13.07.2015.

Dr. Rohtash Kumar

--Petitioner

Versus

State of Haryana & another

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Raman Sharma, Advocate for the petitioner.

Mr. M.S. Sidhu, Addl. A.G., Haryana.

Mr. V.S. Mandhan, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for grant of anticipatory bail to the petitioner in case F.I.R. No. 128 dated 28.2.2015 under section 420 I.P.C., registered at Police Station, Jind City, Jind.

On 12.3.2015, while issuing notice of motion, the following order was passed by this Court:-

“Counsel would, inter alia, contend that the complaint which led to the registration of the FIR in question is wholly motivated inasmuch the complainant is the son-in-law of the present petitioner and who has estranged relations with his wife. That apart, it has been contended that the petitioner had himself moved an application on 06.07.2014 for getting his ration card cancelled at Jind and the same in fact was cancelled. It is also the assertion made on behalf of the petitioner that even though for a certain point of time, two ration cards had been maintained i.e. at Jind as also at Kurukshetra yet the same had been used only towards proof of identity/residence and had never been employed to avail of any

benefit under the public distribution system.

Notice of motion, returnable for 13.07.2015.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from ASI Satish would apprise the Court that the petitioner has since joined investigation. Even the observations contained in the notice of motion order have also gone un rebutted.

Learned State counsel further submits that in pursuance to the investigation having been conducted even a cancellation report has been prepared, though, the same has yet to be approved by the competent authority.

Under such circumstances, custodial interrogation of the petitioner would not be warranted. Present petition is, accordingly, allowed. Order dated 12.3.2015, passed by this Court, is made absolute.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

13.07.2015
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