

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-9379 of 2015 (O&M)

Date of Decision: 23.07.2015

Yogesh @ Chhotu

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. S.N. Sharma, Advocate for the petitioner.

Mr. Satish Saini, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the instant petition filed under Section 438 Cr.P.C praying for grant of pre-arrest bail to the petitioner in case F.I.R. No. 92 dated 28.2.2014 under Sections 397 I.P.C and section 25 of Arms Act, registered at Police Station, Palam Vihar, District Gurgaon.

On 23.3.2015, while issuing notice of motion, the following order was passed by this Court:-

“Counsel would contend that the name of the petitioner is not even mentioned in the F.I.R. During the course of investigation the police had picked up two co-accused namely Sandeep and Paramjit. In the disclosure statement suffered by Sandeep the name of Bhupinder Singh @ Khali had been named, who in turn had suffered a statement in which the name of the present petitioner had figured. Counsel would refer to the statement of the complainant PW-7 at Annexure P-4, whereby he had not even identified Sandeep and Paramjit co-accused who were present in court. Counsel further apprises the Court that Sandeep and Paramjit have since been granted the benefit of regular bail.

Notice of motion, returnable for 21.5.2015.

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 envisaged under Section 438 (2) Cr.P.C.”

Thereafter, on 21.5.2015 even though, counsel for the petitioner had contended that the petitioner had made an attempt to join investigation, yet, learned State counsel had disputed such assertion. Accordingly, hearing in the petition had been deferred to today and the petitioner had been directed to appear before the I.O on 5.6.2015.

Learned State counsel upon instructions from ASI Vijender Singh would apprise the Court that the petitioner has since joined investigation. That apart, observations contained in the notice of motion order, passed by this Court, have gone un rebutted.

Accordingly, present petition is allowed. Order dated 23.3.2015, passed by this Court, is made absolute.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

23.07.2015
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