

***IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH***

***CRM No.M-1072 of 2016 (O&M)
Date of decision : 30.05.2016***

Karambir ... *Petitioner*

Vs.

State of Haryana ... *Respondent*

2. CRM No.M-2598 of 2016 (O&M)

Ishwar ... *Petitioner*

Vs.

State of Haryana ... *Respondent*

3. CRM No.M-3879 of 2016 (O&M)

Nain Singh ... *Petitioner*

Vs.

State of Haryana ... *Respondent*

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

Present: Mr. P.S. Hundal, Senior Advocate with
Mr. Jashandeep Singh, Advocate and
Mr. M.L. Saini, Advocate for the petitioner(s).

Mr. Vivek Saini, DAG, Haryana.

...

TEJINDER SINGH DHINDSA, J.

This order shall dispose of CRM No.M-1072 of 2016 titled as Karambir versus State of Haryana, CRM No.M-2598 of 2016 titled as Ishwar versus State of Haryana and CRM No.M-3879 of 2016 titled as Nain Singh versus State of Haryana as these three connected petitions filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioners herein in case FIR No.35 dated 24.01.2015, under Sections 406/420/467/468/471/472/506/34/120-B IPC, registered at Police Station Gharaunda, District Karnal.

While issuing notice of motion in CRM No.M-1072 of 2016,

the following order was passed by this Court on 14.01.2016:

“Learned senior counsel would inter alia contend that even if the allegations against the present petitioner were taken to be correct, he is only an attesting witness to the agreement to sell dated 31.07.2002 and was not a beneficiary in any respect with regard to the transaction in question. It is further contended that the main accused, Jagan Nath @ Ram Sahara has already been arrested and is in custody.

Notice of motion, returnable on 08.03.2016.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/ 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.”

Notice of motion order dated 25.01.2016 in CRM No.M-2598 of 2016 passed by this Court reads as under:

“Learned senior counsel would inter alia contend that even if the allegations against the present petitioner were taken to be correct, he is only an attesting witness to the agreement to sell dated 31.07.2002 and was not a beneficiary in any respect with regard to the transaction in question. It is further contended that the main accused, Jagan Nath @ Ram Sahara has already been arrested and is in custody.

Notice of motion, returnable on 08.03.2016.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/ 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.

To be heard along with CRM No.M-1072 of 2016.”

Likewise, the notice of motion order dated 03.02.2016 in CRM No.M-3879 of 2016 passed by this Court is in the following terms:

“Counsel would submit that co-accused Karambir and

against whom there were identical allegations has been granted ad interim protection as regards arrest by this Court vide order dated 14.01.2016 in CRM No. M-1072 of 2016.

Notice of motion, returnable for 08.03.2016.

To be listed along with CRM No. M-1072 of 2016.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/ 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.”

Learned State counsel upon instructions from ASI Jitender Singh informs the Court that the petitioners in these three connected petitions have already joined investigation.

It has also gone uncontroverted that the role of the petitioners herein was limited as regards being attesting witnesses to an agreement to sell. Furthermore, main accused, Jagan Nath @ Ram Sahara is stated to have already arrested and thereafter admitted to bail.

Under such circumstances, custodial interrogation of the petitioners would not be warranted.

Petitions are allowed. Orders dated 14.01.2016 in CRM No.M-1072 of 2016, 25.01.2016 in CRM No.M-2598 of 2016 and 03.02.2016 in CRM No.M-3879 of 2016 passed by this Court are made absolute.

Disposed of.

30.05.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**