

CRM-M-1105-2016 (O&M)
Date of Decision : 08.07.2016

PraveenPetitioner
versus

State of HaryanaRespondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Jay Prakash Jangu, Advocate
for the petitioner.

Mr. G.S. Salwara, D.A.G., Haryana.

Mr. P.R. Yadav, Advocate
for the complainant.

M.M.S. BEDI, JUDGE (ORAL)

Petitioner seeks concession of pre-arrest bail in a case registered at the instance of Sunil Yadav alleging that his machines were put on fire by Manish Kumar, co-accused of the petitioner. The offence was allegedly committed by Manish Kumar in connivance and in conspiracy with the petitioner.

Learned counsel for the petitioner vehemently contended that there were business transactions between the petitioner and the complainant. On account of dispute between them, the petitioner has been falsely implicated in the case.

With the assistance of counsel for the petitioner, State counsel and counsel for the complainant, I have gone through the police file and the material which has been gathered indicating the role of the petitioner. During the course of investigation, the incident appears to have been captured through CCTV cameras. The main accused, Manish was arrested on 18.09.2015. He allegedly made a disclosure statement

to the effect that he had committed the said act at the instance of the petitioner.

It appears that during the course of investigation, it has transpired that the money had been paid by the petitioner. In order to substantiate the said circumstance, the record of the telephones and the locations of both the accused have been traced.

Without expression of any opinion regarding the actual culpability of the petitioner, at this stage, I am of the opinion that grant of pre-arrest bail in the present case is not warranted as it does not appear to be a case of extraordinary exceptional circumstance where the power under Section 438 Cr.P.C should be exercised. The petition is dismissed.

However, it is observed that nothing said in this order will prejudice the right of the petitioner to seek concession of regular bail in accordance with law.

(M.M.S. BEDI)
JUDGE

08.07.2016
Neha