

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No. M-11874 of 2016

Date of decision:- August 02, 2016

Dharampal

.....Petitioner..

Vs.

State of Haryana

....Respondent..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Yai Vir Yadav, Advocate,
for the petitioner.

Ms. Neelam Kashyap, DAG, Haryana.

JASPAL SINGH, J. (Oral)

Instant petition has been preferred under Section 438 of the Code of Criminal Procedure (for short, "Cr.P.C.") by Dharampal, seeking pre-arrest bail, feeling apprehension of his arrest, in case FIR No.114, dated 01.03.2016, under Section 365 IPC, Police Station Sector 5, Gurgaon.

2. During the pendency of instant petition, following order was passed by this Court on 08.04.2016:-

"Learned State counsel prays for time to file short reply.

Adjourned to 03.05.2016.

Petitioner shall appear before the I.O., as and when called upon for investigation.

In the event of arrest, the petitioner shall be

released on bail on furnishing adequate bail and surety bonds to the satisfaction of the Arresting/Investigating Officer/Trial Court and shall also be bound by all the conditions stipulated in Section 438 (2) Cr.P.C.

3. On instructions from ASI Narveer Singh, learned State counsel, Ms. Neelam Kashyap, DAG, Haryana has submitted that the petitioner has joined the investigation on 22.04.2016. Further, it has been submitted by her that the petitioner is not cooperating. But the details with regard to the submission could not be furnished by learned State counsel or ASI Narveer Singh, who is present in the Court. Even otherwise, no investigation is being done after 28.05.2016 in the matter as there is no case diary after 28.05.2016. The matter otherwise being taken casually by the investigating officer/SHO concerned, which deserves to be deprecated.

4. Since, petitioner has already joined the investigation, this Court is of the considered view that his further custodial interrogation is not required.

5. Taking into consideration the aforesaid facts of the case, interim order dated 08.04.2016, is made absolute, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

August 02, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No