

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No. M-13436 of 2016

Date of decision:- July 29, 2016

Rajesh Kumar @ Bittu

.....Petitioner..

Vs.

State of Haryana

....Respondent..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Ms. Dhivya Jerath, 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 Rajesh Kumar @ Bittu, seeking pre-arrest bail, feeling apprehension of his arrest, in case FIR No.104, dated 08.02.2016, under Section 306 IPC, Police Station City Hisar.

2. At the time of issuance of notice of motion vide order dated 23.04.2016, this Court has passed the following order:-

"Petitioner apprehends arrest in a case registered at the instance of Sunil alleging that his father Mohinder Kumar had committed suicide as the petitioner and others had got the plot of the deceased transferred in their favour. The said fact also finds mention in the suicide note.

Counsel for the petitioner making a reference to the definition of abetment under Section 107 IPC, contends that act of the petitioner would not fall within the definition of abetment under the said Section.

Notice to the Advocate General, Haryana, for 19.5.2016, for apprising this Court regarding the material gathered during the course of investigation corroborating the allegations in the suicide note.

Meanwhile, an interim direction is issued that the petitioner will join investigation on or before 7.5.2016. In case of petitioner doing so, he shall be released on interim bail to the satisfaction of the arresting officer.

All the relevant documents required by the Investigating Officer will be made available by the petitioner.”

3. Learned State counsel, Ms. Neelam Kashyap, DAG, Haryana has very fairly submitted that in compliance of orders dated 23.04.2016 and 19.05.2016, the petitioner has joined the investigation and further his custodial interrogation is not required.

4. Taking into consideration the aforesaid facts of the case, interim order dated 23.04.2016, is made absolute, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

July 29, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No