

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

CRM-M -14074 of 2016 (O&M)

Date of decision: 15.07.2016

Arun Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Aditya Jain, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana
assisted by ASI Dharam Pal.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in case FIR No.740, dated 19.11.2015, registered under Sections 307, 342 read with Section 34 IPC and Section 25 of Arms Act, at Police Station City, Palwal.

It is contended that the petitioner is neither named in the FIR nor in the statement of detinue(s)/abductees, recorded under Section 164 Cr.P.C. The petitioner has been falsely implicated on the basis of disclosure statement of co-accused Davinder Singh. He further states that in pursuance of the order dated 27.04.2016, the petitioner has joined the investigation.

The learned State counsel, on instructions, submits that though the petitioner has joined the investigation, however, he actively participated in the crime. The four abductees were kept in illegal custody for two days.

Considering the fact that the only incriminating evidence against the petitioner is the disclosure statement of co-accused, Davinder and nothing is to be recovered from him, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 27.04.2016, is made absolute, subject to the conditions contained in Section 438(2) Cr.P.C.

The petition stands allowed.

15.07.2016

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(JITENDRA CHAUHAN)
JUDGE