

CRM-M-14317-2016

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

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Date of Decision: 17.08.2016

Vinod and others

... Petitioner(s)

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Sudhir Hooda, Advocate,
for the petitioners.

Mr. Vikramjit Singh, Addl. A. G. Haryana.

INDERJIT SINGH, J. (Oral)

Petitioners, Vinod, Parmod, Pardeep, Sonu son of Prem, Sonu son of Samay Ram and Ashish have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.363 dated 06.11.2009, registered at Police Station Sampla, District Rohtak, under Sections 148, 149 and 307 of the Indian Penal Code and Section 25 of the Arms Act.

Notice of motion has been issued in this case.

Mr. Vikramjit Singh, Addl. A. G. Haryana has put in appearance on behalf of the respondent-State and contested this petition.

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I have heard learned counsel for the petitioners and learned State counsel and have gone through the record.

At the time of arguments, learned counsel for the petitioners prays that he may be allowed to withdraw the petition qua petitioner No.4-Sonu son of Prem.

Dismissed as withdrawn qua petitioner No.4-Sonu son of Prem.

Learned counsel for petitioner Nos.1 to 3, 5 and 6 has argued that a private complaint filed by complainant was dismissed vide order dated 28.07.2015 (Annexure P-3) passed by the Judicial Magistrate Ist Class, Rohtak on the ground that FIR No.363 dated 06.11.2009 stands already registered on the basis of facts as mentioned in the complaint. The police submitted cancellation report in the FIR case but the Judicial Magistrate Ist Class has summoned petitioner Nos.1 to 3, 5 and 6 as accused by issuing non-bailable warrants.

Learned counsel for petitioner Nos.1 to 3, 5 and 6 states that in pursuance of the order dated 28.04.2016 passed by this Court, petitioner Nos.1 to 3, 5 and 6 appeared before the trial Court and have been released on interim bail.

Petitioner Nos.1 to 3, 5 and 6 are not required for custodial interrogation or investigation purposes and in view of the fact that the police after investigation has submitted the cancellation report and petitioner Nos.1 to 3, 5 and 6 have only to face the trial and appear

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before the trial Court, I find that no useful purpose would be served by sending petitioner Nos.1 to 3, 5 and 6 into custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case , I find merit in this petition and the same is allowed qua petitioner Nos.1 to 3, 5 and 6 only. The order dated 28.04.2016 is made absolute qua petitioner Nos.1 to 3, 5 and 6 only.

17.08.2016

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No