

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

CRM-M No.20720 of 2016 (O&M)

Date of Decision : 29.09.2016

Bijender @ Kala

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sunil Saharan, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Additional A.G., Haryana.

AJAY TEWARI, J. (Oral)

This is a petition for grant of pre-arrest bail to the petitioner under Section 438 Cr.P.C. in case FIR No.52 dated 06.03.2016 registered under Sections 307/34 IPC and Sections 25/54/59 of Arms Act at Police Station Julana, District Jind, Haryana.

On 09.06.2016 the following order was passed :-

“It is contended that no role whatsoever has been attributed to the petitioner. The unknown person, who is stated to have fired a gun shot on Deepak, is one Ramesh son of Manphool who is in custody. Allegation against the petitioner is that he is a licensed owner of the weapon used in the incident. Such allegation is based solely on a disclosure statement of co-accused, Ramesh. It is submitted that the petitioner is ready and willing to join investigation and hand over the licensed weapon as well, as he has no role to play in this incident.

Notice of motion for 21.07.2016.

Petitioner is directed to appear before the Investigating Officer on 15.06.2016 at 11.00 a.m. and thereafter, as and when required by the investigating agency and fully cooperate in the investigation of this case. In the event of his arrest, petitioner shall be released on interim bail to the satisfaction of Investigating Officer. He shall comply with the conditions stipulated in Section 438(2) Cr.P.C. ”

Thereafter, on 21.07.2016 the following contention was noticed :-

“Learned counsel for the petitioner states that apart from the merits of the case the matter has been compromised. Learned DAG, on instructions from ASI Ramesh Kumar, states that the compromise talks are going on but to his knowledge the compromise has not yet taken place.”

Learned Additional Advocate General, on instructions from ASI Ram Kumar states that the complainant-Parvesh S/o Santraj, resident of Ward No.9, Julala had informed him that the matter had been settled with the petitioner and accepted the fact that the petitioner has joined the investigation and is no more required for custodial interrogation.

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioner.

Resultantly, the petition is allowed. The interim order dated 09.06.2016 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

29.09.2016

pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No