

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26544 of 2016
DECIDED ON: September 27, 2016

SHAHID

.....PETITIONER..

VERSUS

STATE OF HARYANA

....RESPONDENT..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sarfraj Hussain, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Section 438 of the Code of Criminal Procedure, Shahid-petitioner has sought pre-arrest bail, feeling apprehension of his arrest, in case bearing FIR No.211, dated 16.07.2016, under Sections 148, 149, 323, 384 and 506 IPC, Police Station Tauru, District Mewat.

2. At the time of issuance of notice of motion, following order was passed by this Court on 04.08.2016 :-

“It has been *inter-alia* contended by learned counsel for the petitioner that petitioner is not named in the FIR. However, he has been nominated as an accused in this case on the basis of disclosure statement made by his co-accused namely Tehsim.

Notice of motion for 27.09.2016.

In the meanwhile, petitioner is directed to join the investigation. In the event of arrest, petitioner shall be

released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the conditions, as envisaged under section 438(2) Cr.P.C.”

3. Learned State counsel, on instructions from ASI Shakunt Raj, has fairly conceded that in compliance of order dated 04.08.2016, the petitioner has already joined the investigation and he is no more required for further custodial interrogation/investigation.

4. Taking into consideration the aforesaid aspects of the case but without expressing any opinion on the merits, the petition is allowed and order dated 04.08.2016 is made absolute and shall enure during the pendency of trial but subject to the conditions provided under Section 438 (2) Cr.P.C.

September 27, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether reportable: *Yes/No*