

CRM No. M-28381 of 2016
DECIDED ON: OCTOBER 17, 2016

RAKESH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. H.S. Rakhra, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Section 438 Cr.P.C., petitioner has sought pre-arrest bail in case FIR No. 147 dated 09.07.2016 under Sections 147, 149, 323, 327, 341, 365, 384, 506 IPC registered at Police Station Badhra, District Bhiwani.

Learned State counsel, on instructions from ASI Om Parkash, submits that though in compliance of order dated August 17, 2016, petitioner has joined the investigation but a motor cycle, milk drums and blank paper (on which the signatures of the complainant were allegedly obtained by the petitioner) are still to be recovered. Simply on the ground that the afore-said articles are still to be recovered, petitioner cannot be denied the discretionary relief. So far as the recovery of blank paper is concerned, it is a matter of evidence and at this stage it is only the allegation which is to be established by way of evidence.

Taking into consideration the above-said facts but without expressing any opinion on the merits of the case, order dated August 17, 2016 is hereby, made absolute and shall enure during the pendency of trial.

However, petitioner shall be abide by all the terms and conditions as envisaged under Section 438(2) Cr.P.C.

Disposed of.

OCTOBER 17, 2016
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(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned *Yes/No*

Whether Reportable *Yes/No*