

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.29537 of 2016 (O&M)

Date of decision : 06.09.2016

Akhtar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Som Nath Saini, Advocate for the petitioner.

Mr. Satish Saini, DAG, Haryana.

AJAY TEWARI, J. (Oral)

This is a petition for grant of anticipatory bail to the petitioner under Section 438 Cr.P.C. in case FIR No.0844, dated 30.07.2016 registered under Section 406 IPC at Police Station Chandani Bagh (Panipat).

On 26.08.2016, the following contention was noticed :-

“Learned counsel states that the only allegation is that the petitioner had taken on rent a pair of oxen of red

and white colour for ploughing his field and then sold them but actually he has returned back the same vide receipt No.4696 dated 21.07.2016.

Notice of motion.

On the asking of the Court, Mr. Amrik Narwal, Deputy Advocate General, Haryana, accepts notice on behalf of the respondent.

Learned counsel for the petitioner undertakes to supply a copy of the paper book to the learned D.A.G. during the course of the day.

Adjourned to 02.09.2016.”

Learned Deputy Advocate General, on instructions from ASI Kanhaiya Lal is not in a position to accept that the receipt was duly issued by the official of Gaushala. He has however, argued that actually the oxen which were returned were different.

Be that as it may, in view of the factum of issue of receipt is accepted, I do not deem it appropriate to deny anticipatory bail to the petitioner.

Resultantly, the petition is allowed. In the event of arrest of the petitioner, he shall be released on bail to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

The petitioner is directed to appear before the investigating officer on 13.09.2016 and on any other date as and when his presence is required. On his appearance the I.O. shall release him on bail to his satisfaction subject to the conditions envisaged under Section 438 (2) Cr.P.C. In case the petitioner does not appear before the investigating officer in the aforesaid manner the present petition would be deemed to have been dismissed.

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

06.09.2016
Pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No