

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

CRM No.M-3169 of 2016 (O&M)

Date of Decision: 05.05.2016

Kuldeep

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Lekh Raj Sharma, Advocate for the petitioner.

Mr. Vivek Saini, DAG, Haryana

....

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.383 dated 24.08.2015, under Sections 323/342/506/364/365/302/201/34 IPC, registered at Police Station Rajendra Park, District Gurgaon.

On 08.02.2016, the following order was passed by this Court:

“During the course of arguments today, it has come forth that the name of the present petitioner does not figure in the FIR which was registered on the statement of Salim i.e. brother of the deceased Naved. The present petitioner is sought to be implicated on the basis of disclosure statements of co-accused, Jatinder, Sandeep and Ramesh. Even in such disclosure statements, no role/overt act has been attributed to the present petitioner with regard to the death of Naved. The role assigned is of having driven a Santro car which belongs to the present petitioner himself and in which he had dropped Nadeem and who in turn is still absconding and has not joined investigation.

Counsel for the petitioner submits that the custodial interrogation of the petitioner is not warranted as he is

otherwise ready and willing to join investigation.

List on 05.05.2016.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/ Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from PSI Jai Bhagwan would apprise the Court that the petitioner has since joined investigation and even recovery of a Santro car which was stated to have driven by the petitioner has been effected.

Even the contentions noticed in the order dated 08.02.2016 have gone un rebutted.

Under such circumstances, prayer made in the present petition is accepted.

Petition is allowed. Order dated 08.02.2016 passed by this Court is made absolute.

Disposed of.

05.05.2016

shubham

(TEJINDER SINGH DHINDSA)
JUDGE