

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32074 of 2016
DECIDED ON: December 02, 2016

BHARAT SHARMA

.....PETITIONER..

VERSUS

STATE OF PUNJAB

....RESPONDENT..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Amit Dhawan, Advocate for the petitioner.

Mr.P.S. Paul, DAG, Punjab.

Mr. Vishwajeet Singh, Advocate for
Mr. Sudhir Rana, Advocate for the complainant.

JASPAL SINGH, J (ORAL)

Through the instant petition preferred under Section 438 of the Code of Criminal Procedure, petitioner-Bharat Sharma has sought pre-arrest bail, feeling apprehension of his arrest, in case bearing FIR No.94, dated 03.07.2016, under Sections 406, 420 IPC and Section 13 of Immigration Act, Police Station Model Town, Hoshiarpur.

2. At the time of issuance of notice of motion, following order was passed by this Court on 14.09.2016:-

“Inter-alia, learned counsel for the petitioner has contended that petitioner has nothing to do with any transaction in between him and the complainant. Even, at the initial stage, name of the petitioner did not figure in the Fir and he has been nominated as one of the accused as per the statement of co-accused Bhawna.

Notice of motion for 04.11.2016

In the meantime, in the event of arrest, petitioner is

ordered to be released on interim bail by the Arresting Officer, subjecting to his joining investigation and abide by all the terms and conditions enshrined under Section 438 (2) Cr.P.C.

At this stage, Mr. Sudhir Rana, Advocate, has put in appearance on behalf of the complainant and filed him memorandum of appearance.”

3. Learned State counsel on instructions from ASI Gurmukh Singh, has clearly pointed out that in compliance of order dated 14.09.2016, the petitioner has already joined the investigation and is no more required for further 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 14.09.2016 is made absolute and shall enure during the pendency of trial but subject to the conditions provided under Section 438 (2) Cr.P.C.

December 02, 2016
sonika

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether reportable: *Yes/No*