

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.33189 of 2016
and
Criminal Misc. No.M-34664 of 2016

.....

Date of decision:26.10.2016

Sher Mohammed

...Petitioner

v.

State of Haryana

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Saleem Ahmed, Advocate for the petitioner.

Mr. Vikas Chopra, Deputy Advocate General, Haryana for
the respondent-State.

Mr. Sarfraj Hussain, Advocate for the complainant.

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Inderjit Singh, J.

Cr. Misc. No.33189 of 2016:

This criminal miscellaneous application has been filed under
Section 482 praying for adding Section 307 IPC in head note and prayer
clause of Criminal Misc. No.M-34664 of 2016.

For the reasons mentioned in the criminal miscellaneous
application, the same is allowed and Section 307 IPC is ordered to be added
in the head note and prayer clause of the main petition.

The Registry is directed to carry out the necessary corrections
in head note and prayer clause of the main petition.

Cr. Misc. No.M-34664 of 2016:

This petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in case FIR No.123 dated 16.9.2016 registered for the offences under Sections 148, 149, 323, 324, 341, 452, 506 and 307 IPC IPC at Police Station Rojka-Meo, District Mewat.

Notice of motion has been issued in this case.

Mr. Vikas Chopra, learned Deputy Advocate General, Haryana has put in appearance on behalf of the respondent-State and Mr. Sarfraj Hussain, learned Advocate has appeared for the complainant and contested this petition.

I have heard learned counsel for the petitioner as well as learned Deputy Advocate General, Haryana appearing for the respondent-State and learned Advocate for the complainant and have gone through the record.

From the record, I find that as per the FIR, present petitioner Sher Mohammed was not armed with any weapon nor any injury has been attributed to him. The only allegation against him is that he had caught hold of the complainant. The occurrence took place on 13.9.2016 and the FIR was got registered on 16.9.2016.

He is not required for custodial interrogation. Nothing is to be recovered from him. No useful purpose will be served by sending the petitioner to custody.

In the facts and circumstances of the present case, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I accept this criminal miscellaneous petition and in

the event of arrest, the petitioner shall be admitted to bail on his furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

October 26, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No