

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No. M-35479 of 2016

Date of decision:- November 28, 2016

ASHOK NAMBARDAR

.....PETITIONER..

VS.

STATE OF HARYANA

....RESPONDENT..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Rakesh Nehra, Advocate,
for the petitioner.

Mr. Tanuj Gupta, AAG, Haryana.

Mr. Vikrant Hooda, Advocate,
for the complainant.

JASPAL SINGH, J. (Oral)

By virtue of instant petition preferred under Section 438 of the Code of Criminal Procedure, petitioner-Ashok Nambardar has sought pre-arrest bail, feeling apprehension of his arrest, in case bearing FIR No.470, dated 15.09.2016, under Sections 342, 506 IPC and Section 3 of SC/ST Act, Police Station Sadar, Bahadurgarh, District Jhajjar.

2. At the time of issuance of notice of motion, following order was passed by this Court on 03.10.2016:-

“Inter-alia, it has been contended by learned counsel for the petitioner that petitioner has been falsely implicated in this case in fact no such occurrence took place. Learned counsel further

contends that from the contents of the FIR, the offence falling within the purview of the Scheduled Castes and Scheduled Tribes Act, 1989 are not made out against the petitioner. Petitioner is ready to join the investigation.

Notice of motion for 28.11.2016.

In the meanwhile, petitioner is directed to join the investigation within seven days from the date of certified copy of this order. In the event of arrest, petitioner shall be released on interim bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.”

3. Learned State counsel on instructions from ASI Mahanand Police Station Sadar Bahadurgarh, District Jhajjar has fairly conceded that in compliance of order dated 03.10.2016, 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 03.10.2016 is made absolute and shall enure during the pendency of trial but subject to the conditions provided under Section 438 (2) Cr.P.C.

November 28, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reasonable: Yes/No