

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

**CRM No.M-35274 of 2015
Date of decision:11.01.2016**

Kishan

... Petitioner

Vs.

State of Haryana

... Respondent

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

Present: Mr. Ravinder Hooda, Advocate for the petitioner.
Mr. Anmol Malik, AAG, Haryana.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.608 dated 12.11.2014 under Sections 148/149/323/307/506 IPC and Sections 25/54/59 of the Arms Act, registered at Police Station Hodal, District Palwal.

While issuing notice of motion on 19.11.2015, the following order was passed by this Court:

“Learned State counsel requests for an adjournment.

Adjourned to 11.01.2016.

In the meanwhile, let petitioner join investigation and in case, the petitioner joins investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer. He shall join the investigation as and when required by the Arresting Officer. He shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under:-

(i) that the petitioner shall make himself available for interrogation before arresting officer as and when required;

(ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

(iii) that the petitioner shall not leave India without the prior permission of the Court.”

Learned State counsel upon instructions from ASI Manoj Kumar would apprise the Court that the petitioner has since joined investigation. That apart, it has gone uncontroverted that offence under Section 307 IPC was added on account of a fire arm shot and which was attributed to co-accused Vikram.

In view of the circumstances noticed hereinabove, custodial interrogation of the petitioner would not be warranted.

Petition is allowed. Order dated 19.11.2015 is made absolute.

Disposed of.

11.01.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**