

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-40725 of 2015 (O&M)
Date of Decision: 28.04.2016

Smt. Kamlesh & another

--Petitioners

Versus

State of Haryana

--Respondent

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

Present:- Mr. Ankit Kaushal, Advocate for
Mr. S.K.Yadav, Advocate for the petitioners.

Mr. Vivek Saini, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioners in case F.I.R. No.509 dated 10.11.2015 under sections 323, 325, 34, 506 I.P.C, registered at Police Station, Mohindergarh, District Mohindergarh.

On 2.12.2015, while issuing notice of motion, the following order was passed by this Court:-

“Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the case whereas no offence is made out against them. Sections 323 and 325 IPC are bailable and only Section 506 IPC is non-bailable but no offence is made out under Section 506 IPC. Even petitioner No.2-Vikas was not present at the place of occurrence as he was in school during duty period and has falsely been implicated. The petitioners are ready to join investigation.

Notice of motion for 05.02.2016.

Meanwhile, the petitioners are directed to join investigation and in the event of arrest, they shall be released on interim bail to the satisfaction of the Investigating Officer. They shall join the investigation as and when required by the

Investigating Officer. They 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 petitioners shall make themselves available for interrogation before investigating officer as and when required;

(ii)that the petitioners 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 petitioners shall not leave India without the prior permission of the Court.”

Learned State counsel upon instructions from H.C. Kuldeep would apprise the Court that the petitioners have since joined investigation and they have been found to be innocent.

In the considered view of this Court, custodial interrogation of the petitioners, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 2.12.2015, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

28.04.2016
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