

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

CRM-M-41065-2015 (O&M)

Date of Decision: 29.02.2016

ASHIF

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

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

Present: Mr. Sarfraj Hussain, Advocate,
for the petitioner.

Mr. Vivek Saini, DAG, Haryana

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

TEJINDER SINGH DHINDSA, J.(Oral)

This petition has been filed under Section 438 Cr. P.C. for grant of concession of anticipatory bail to the petitioner in case FIR No. 636 dated 29.07.2015 under Sections 364, 387, 323, 506, 34 IPC registered at Police Station Civil Lines, Gurgaon, District Gurgaon.

While issuing the notice of motion, the following order was passed by this Court on 04.12.2015: -

“The learned counsel refers to Annexure P-1, whereby the compromise has been effected between the parties.

Notice of motion for 21.12.2015.

Meanwhile, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on interim bail subject to the following conditions:-

1. *That he shall make himself available for interrogation by a police officer as and when required;*

2. *That he 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 and;*

3. *That he shall not leave India without prior permission of the Court.”*

During the course of arguments, it has gone uncontroverted that a separate petition under Section 438 Cr. P.C. was filed by the co-accused, Yamir and in which the complainant had suffered a statement that the compromise has been arrived at and accordingly benefit of pre-arrest bail was granted to Yamir. It is also the conceded position of fact that another co-accused namely Tofik was arrested and thereafter has been granted benefit of regular bail.

Learned State counsel upon the instructions from ASI Sri Bhagwan, Police Station Civil Line, Gurgaon would apprise the Court that the compromise has even been effected by the complainant in the present petition.

Under such circumstances, the custodial interrogation of the petitioner would not be warranted. The petition is allowed. Order dated 04.12.2015 passed by this Court is made absolute.

Disposed of.

**[TEJINDER SINGH DHINDSA]
JUDGE**

February 29, 2016