

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-12540 of 2017 (O&M)
Date of Decision: 05.05.2017

Naveen

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. Virender Soni, Advocate for the petitioner.

Mr. C.S. Bakshi, Addl. 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 petitioner in case F.I.R. No.146 dated 17.3.2017 under section 379 I.P.C, registered at Police Station, Rohtak City, District Rohtak.

On 13.4.2017, while issuing notice of motion, the following order was passed by this Court:-

“The instant petition under Section 438 of the Code of Criminal Procedure has been filed seeking concession of pre-arrest bail in FIR No.146 dated 17.03.2017 registered under Section 379 IPC at Police Station Rohtak City, District Rohtak.

Counsel submits that the FIR came to be registered on the statement of the complainant-Shailender Singh on the allegations that while his vehicle was parked outside Hotel Mirage Palace, Rohtak, somebody has stolen away two alloy wheels along with the tyres. Counsel further submits that even as per version of the complainant, based upon CCTV footage withdrawn from the hotel management, the finger of suspicion was pointed out towards one Jasbir Singh, his relative-Deva and two other un-named accomplices.

It is argued that the recovery of the allegedly

stolen wheels and tyres has already been effected as would be clear from the document appended at Annexure P-1 i.e. an application for superdari of two alloy wheels with tyres moved by the complainant. Counsel further submits that against the backdrop of the allegations, the custodial interrogation of the petitioner would not be warranted as he is otherwise ready and willing to join investigation.

Notice of motion returnable for 05.05.2017.

In the meanwhile, the petitioner is directed to appear before the Investigating Officer and to join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from H.C. Kuldeep Singh would apprise the Court that the petitioner has since joined investigation.

In the considered view of this Court, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 13.4.2017, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

05.05.2017
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Whether speaking/reasoned: Yes
Whether Reportable: No