

CRM-M-1360-2017

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

CRM-M-1360-2017

Date of Decision: 27.01.2017

Toma

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Abhishek Yadav, Advocate
for the petitioner.

Mr. Kuldeep Sharma, DAG, Haryana,
for the respondent-State.

INDERJIT SINGH, J.(Oral)

Petitioner-Toma has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.362 dated 20.12.2016, registered at Police Station Kasola, District Rewari, under Sections 120-B, 279 and 336 of the Indian Penal Code and Section 3 of the Prevention of Damage to the Public Property Act, 1984.

Notice of motion was issued in this case.

Learned State counsel has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as

CRM-M-1360-2017

learned State counsel and have gone through the record.

From the record, I find that allegation against the present petitioner is that he is owner of the vehicle which was found to be driven on the highway being overloaded.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find that the petitioner is not required for custodial interrogation and nothing is to be recovered from her, therefore, no useful purpose will be served by sending the petitioner to custody. Therefore, finding merit in the present petition, the same is allowed. It is ordered that in the event of arrest, the petitioner be released on bail subject to her furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

27.01.2017

parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No