

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 205

CRM-M-1661-2017

Decided on : 28.03.2017

Dharam Raj

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Shiva Khurmi, Advocate, for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 438 Cr. P. C., the petitioner seeks the concession of anticipatory bail in FIR No. 398, dated 31.12.2016, registered under Sections 279, 336, 120-B IPC and Section 3 (2) of the Prevention of Damage to Public Property Act, 1984, at Police Station Kasola, District Rewari.

The case of the prosecution is that the petitioner is the owner of a transport vehicle which was found overloading and, therefore, the petitioner, as owner, was sought to be prosecuted under Sections 279, 336, 120-B IPC and Section 3(2) of the Prevention of Damage to Public Property Act, 1984.

Vide order dated 30.01.2017, this Court had ordered that in the event of arrest, the petitioner shall be admitted to ad-interim anticipatory bail subject to the satisfaction of the arresting officer.

Seeking anticipatory bail for the petitioner, learned counsel submits that under the interim order passed by this Court, the petitioner has joined investigation; has fully cooperated with the investigating agency and

is not needed for further questioning by the investigating agency. It is still further submitted that the petitioner has filed an affidavit before this Court as per which he has undertaken that he would not repeat the offence in future which is alleged against him.

Learned State counsel admits that under the interim order passed by this Court, the petitioner has joined investigation; has fully cooperated with the investigating agency and is not needed for further questioning by the investigating agency.

In view of the above, the petition is allowed and the order dated 30.01.2017, granting interim anticipatory bail to the petitioner is made absolute subject to the conditions prescribed under Section 438(2) Cr. P. C.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

During the period that the bail is granted to the petitioner, if he is found indulging in any criminal/illegal activity or misusing the concession of bail granted by this Court, it would be open to the State to move an appropriate application before the competent Court/this Court for cancellation of the bail granted to the petitioner.

28.03.2017
shamsher

[DEEPAK SIBAL]
JUDGE

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