

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

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**CRM-M-2537 of 2017 (O&M)
Date of Decision: April 19, 2017**

Nirmal Singh

....Petitioner

vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Harish Nain, Advocate
for the petitioner.

Mr. Satish Saini, DAG, Haryana.

TEJINDER SINGH DHINDSA, J. (Oral)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in F.I.R. No.0809 dated 10.09.2016 under section 420 IPC, registered at Police Station City Jind.

On 27.01.2017, while issuing notice of motion, the following order was passed by this Court:-

“Instant petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.809 dated 10.09.2016, under Sections 420 of Indian Penal Code, registered at Police Station City Jind.

Counsel would submit that the petitioner would not be responsible for any entries recorded in the concerned register of birth and death as such record is always in the custody of the officials concerned. Further contended that in any case the requisite entry as regards date of birth of the petitioner recorded in the register corresponds with the date that has been recorded by the Chowkidar of the village. Further contended that the entire record in

any case is in possession of the investigating agency and against the backdrop of the allegations, custodial interrogation would not be warranted.

Notice of motion, returnable by 19.04.2017.

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 ASI Krishan Kumar would apprise the Court that the petitioner has already joined investigation. He further submits that the investigation has culminated in the preparation of a cancellation report which is under consideration for approval at the hands of the competent authority and would be filed before the Court in due course.

In the considered view of this Court, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the prayer is accepted. The order dated 27.01.2017, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

19.04.2017
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Whether speaking/reasoned : ***Yes***
Whether reportable : ***No***