

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-2985 of 2017 (O&M)

Date of Decision: 07.03.2017

Parsa @ Paras Ram and others

--Petitioners

Versus

State of Haryana

--Respondent

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

Present:- Mr. Kamal Sharma, Advocate for the petitioners.

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 petitioners in case F.I.R. No.461 dated 19.9.2016 under section 398 I.P.C, registered at Police Station, Safidon, District Jind.

On 31.1.2017, while issuing notice of motion, the following order was passed by this Court:-

“The present petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.461 dated 19.09.2016 registered under section 398 I.P.C at Police Station, Safidon, District Jind.

Counsel would contend that the FIR had been registered against unnamed persons. The present petitioners are sought to be implicated on the basis of disclosure statement of co-accused Neeraj Kumar.

Notice of motion, returnable for 07.03.2017.

In the meanwhile, petitioners are directed to join investigation.

In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they

shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.

It is clarified that interim protection is being granted to the petitioners on the categoric submission made by counsel that they are not involved in any other criminal proceeding.”

Learned State counsel upon instructions from SI Jagbir Singh would apprise the Court that the petitioners have since joined investigation. It has also gone uncontroverted that the petitioners are not involved in any other criminal proceedings.

There is no rebuttal to the fact that initially the FIR had been registered against unnamed persons. Present petitioners are sought to be implicated on the basis of a supplementary statement recorded of the complainant on 20.9.2016 as also on the basis of a disclosure statement of co-accused Neeraj Kumar.

In view of the peculiar facts and circumstances noticed herein above, custodial interrogation of the petitioners, as such, would not be warranted as they have already joined investigation. Accordingly, the present petition is allowed. The order dated 31.1.2017, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

07.03.2017

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Whether speaking/reasoned: Yes
Whether Reportable: No