

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

CRM-M -37070 of 2016 (O&M)
Date of decision: 18.05.2017

Major and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Ashit Malik, Advocate for the petitioner(s).

Mr. Saurabh Mohunta, DAG, Haryana.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioners have sought anticipatory bail in FIR No.121 dated 04.10.2016, registered under Sections 306, 323 and 328 of IPC, at Police Station Siwan, District Kaithal.

On 17.11.2016, this Court had passed the following order:-

“Power of attorney filed on behalf of complainant is taken on record.

Heard.

Ld. State counsel has produced the case diary containing the alleged confessional statement of the deceased victim. It transpires that the Investigating Officer got the suicide note sent for Expert's examination to confirm its authenticity. The same appears to be a very material document for determining the relevant culpability of various accused persons named in the FIR.

In the given circumstances, no final order on the anticipatory bail is passed at this stage till the report from the FSL is received. In the meantime, the present petitioners

*shall be treated at par with certain other accused in the case being the petitioners in “Manish and another Vs. State of Haryana”, in respect of whom an order of interim bail subject to satisfaction of the Arresting Officer was passed by a coordinate Bench of this Court on 28.10.2016 in CRM-M-39042-2016.
List on 20.01.2017.”*

The learned State counsel informs that the FSL report is still awaited.

It is contended that in pursuance of the order dated 17.11.2016, the petitioners have joined the investigation.

Considering the fact that the petitioners have repeatedly joined investigation, this Court feels that the petition cannot be kept indefinitely, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 17.11.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

However, in case any favourable circumstances emerge after receipt of FSL report in favour of the complainant, he shall be at liberty to take appropriate action in the matter.

18.05.2017
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable:	Yes	No