

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-37727 of 2016

.....

Date of decision:16.1.2017

Ram Phal

.....Petitioner

v.

State of Haryana

.....Respondent

....

Present: Mr. S.S. Rana, Advocate for the petitioner.

Mr. B.S. Virk, Deputy Advocate General, Haryana
for the respondent-State.

.....

Inderjit Singh, J.

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.131 dated 5.4.2016 registered for the offences under Sections 406, 420, 120-B and 483 IPC at Police Station City Kaithal, District Kaithal.

Notice of motion has been issued in this case.

Mr. B.S. Virk, learned Deputy Advocate General, Haryana has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner and learned Deputy Advocate General, Haryana appearing for the respondent-State and have gone through the record.

From the record, I find that the present petitioner is not named in the FIR nor any attribution is made to him. Son of the petitioner, namely,

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Sandeep alias Deepa is stated to be working as Cleaner of the truck, who was arrested and subsequently released on bail. A perusal of the record shows that as per the prosecution version 531 rice bags out of 601 bags alleged to have been stolen have already been recovered.

The present petitioner has already joined the investigation. He is no more required for any custodial interrogation nor anything is to be recovered from him. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 21.10.2016 passed by this Court granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

January 16, 2017.

(Inderjit Singh)
Judge

hsp

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