

CRM-M-8421 of 2017

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In the High Court of Punjab and Haryana at Chandigarh

CRM-M-8421 of 2017

Date of Decision:26.5.2017

Harjeet Singh

---Petitioner

vs.

State of Haryana

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr.G.S.Sidhu, Advocate
for the petitioners
Mr. Vikas Malik, DAG, Haryana
Mr. J.S.Thind, Advocate
for the complainant

Rekha Mittal, J.

Counsel for the petitioner has submitted that the petitioner caused appearance before the court below and has been released on bail in pursuance of order dated 14.3.2017. It is further submitted that as the petitioner has been summoned to face trial under Section 193 of the Code of Criminal Procedure (in short "Cr.P.C."), his custodial interrogation is not required when otherwise he is ready to face proceedings, in accordance with law.

Counsel for the complainant has submitted that as per post mortem examination of the victim, various injuries were found on her person. The complainant has levelled specific allegations against the petitioner, therefore, he is not entitled to pre arrest bail.

Counsel for the State concedes to the factum that the petitioner

is not the real brother of Jagdish, husband of the deceased. It is further submitted that the petitioner was declared innocent as various persons recorded their statements during investigation that the petitioner was not available at the place of occurrence at the time of unfortunate incident.

I have heard counsel for the parties, perused the paper book and the police records.

Concededly, the petitioner is not the real brother of Jagdish, husband of Baljit Kaur (since deceased). The petitioner was declared innocent on the basis of statements recorded by various residents of the village that the petitioner was not present in the village on the day of occurrence. Custodial interrogation of the petitioner is not required who has already caused appearance before the court below in terms of interim bail granted by this court.

Without expressing any opinion on merits of the case, interim bail granted to the petitioner is made absolute subject to the following conditions:-

- (i) He shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and
- (ii) He shall not leave the limits of this country without prior permission of the Court.

Petition stands disposed of accordingly.

(Rekha Mittal)
Judge

26.5.2017
paramjit

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