

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

**Criminal Misc. No. M-15309-2018
Date of Decision: 06.07.2018**

Omkar @ Mukhiya

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Pankaj Bali, Advocate for the petitioner.
Mr. B.S. Virk, DAG, Haryana.

...

Inderjit Singh, J.

Petitioner-Omkar @ Mukhiya has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.33 dated 03.02.2018, registered at Police Station Madhuban, Karnal, under Sections 186, 332, 307 of Indian Penal Code (Sections 389 and 120-B of Indian Penal Code added later on).

Notice of motion was issued in this case.

Learned State counsel has appeared on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that no role has been attributed to the present petitioner in the FIR. He was not the person connected with both the vehicles as mentioned in the FIR. His name has been disclosed by the co-accused in the disclosure statement that the present petitioner was also with them.

Moreover, in pursuance of the interim order dated 30.04.2018,

passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. No useful purpose would be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 30.04.2018, 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.

06.07.2018
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No