

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

201

CRM-M No.19787 of 2017
Date of Decision: February 26th, 2018

Pardeep @ Dharma

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. R.S. Cheema, Senior Advocate
with Mr. R.K. Trikha, Advocate
for the petitioner.

Mr. Apoorv Garg, Deputy Advocate General, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Counsel for the State, on instructions from ASI Satyawan, Police Station Nangal Choudhary, District Mahendergarh, states that it could not be ascertained as to whether the petitioner was ever the owner of Scorpio car or not. He, however, contends that keeping in view the nature of the offence and the way it has been committed, the petitioner may not be granted the concession of interim bail as earlier granted.

Perusal of the file indicates that the petitioner initially had approached this Court when order dated 31.05.2017 was passed, wherein the petitioner was directed to surrender before the trial Court/ Duty Magistrate. In compliance thereof, the petitioner appeared before the trial Court. Thereafter on 01.11.2017, counsel for the State submitted that supplementary challan had to be filed and, therefore, he must join investigation. The Court on the said date, directed the petitioner to join investigation and provided him the benefit of interim bail subject to the provisions as contained under Section 438(2) Cr.P.C. Thereafter the petitioner has been joining investigation in the matter as is apparent from

the subsequent orders which have been passed. On 20.11.2017, counsel for the State had asserted that as per the disclosure statement of one of the co-accused, Scorpio car of which the petitioner was the owner, was used in commission of the offence.

Learned senior counsel for the petitioner had thereafter, on instructions, stated that the petitioner never owned any Scorpio car.

Time was granted to the State counsel to ascertain the said fact which the counsel has stated today that he has not been able to positively state anything in this regard.

Looking into the facts and circumstances of the present case and in the light of the fact that the Investigating Officer stated that except for the recovery of Scorpio car, the investigation of the petitioner is complete, the present petition is allowed.

Order dated 01.11.2017 is hereby confirmed.

Petitioner shall, however, continue joining investigation as and when required.

February 26th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No