

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

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CRM-M-28905-2018 (O&M)

Date of Decision : 20.07.2018

Kulbir Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:HON'BLE MR. JUSTICE P.B.BAJANTHRI

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

Mr. R.K.Doan, AAG, Haryana.

P.B. BAJANTHRI, J.(ORAL)

In the present petition, petitioner seeks anticipatory bail under the provision of Section 438 Cr.P.C. in case FIR No. 116 dated 10.06.2018 u/s 8,9 of The Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 and Sections 420, 467, 468, 471, 120-B of IPC registered at Police Station Bilaspur, District Yamuna Nagar.

2. Learned counsel for the petitioner argued that the petitioner has no role to play in the absconding of convict namely Sanjeev who was undergoing life imprisonment after conviction. It was further argued that the petitioner-accused is ready to join the investigation. Even the co-accused Jasmer Singh allowed the concession of interim bail. In terms of the order dated 12.07.2018 passed in CRM-M-28061-2018 titled as ***Jasmer Singh versus State of Haryana.*** Petitioner is also entitled to relief of anticipatory bail.

3. While resisting the claim of the petitioner learned State counsel submitted on instructions of ASI Mehroof Ali that he is required for interrogation. The petitioner had rented out an accommodation to the mother of the said convict and thereby, the petitioner hatched the conspiracy for getting released the said convict on 'Furlough' and also helped him in his absconding.

4. Heard the learned counsel for the parties.

5. As the co-accused has been allowed concession of interim bail and no specific role is attributed to the petitioner in FIR, even prosecution failed to establish case for custodial interrogation, therefore petitioner is granted relief of anticipatory bail. Petition stands allowed, subject to the condition of paras 6 and 7.

6. Petitioner shall also deposit a sum of Rs.1,00,000/- in the Court of Chief Judicial Magistrate/Duty Magistrate as surety amount. Petitioner shall appear before the Investigating Officer and join the investigation.

7. In the event of arrest, the petitioner shall be released on interim bail on his furnishing bail bond to the satisfaction of the Arresting/Investigating Officer. He will remain bound by the conditions envisaged under Section 438(2) Cr.P.C.

20.07.2018

pooja saini

**(P.B. BAJANTHRI)
JUDGE**

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No