

CRM-M-35468-2018

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

CRM-M-35468-2018

Date of Decision: 05.10.2018

Ram Niwas

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. H.S.Hooda, Sr. Advocate with
Mr. Chander Shekhar Singh, Advocate,
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. Chander Pal Tiwana, Advocate,
for the complainant.

INDERJIT SINGH, J. (Oral)

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.90 dated 27.06.2018, registered at Police Station Rajaund, District Kaithal, under Sections 148, 149, 307, 323 and 120-B of the Indian Penal Code and Sections 25 and 27 of the Arms Act, 1959.

Notice of motion was issued in this case.

Learned State counsel has appeared on behalf of the respondent-State and complainant has also appeared through his counsel.

They contested this petition.

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

From the record, I find that neither the present petitioner is named in the FIR nor any injury is attributed to him. He is stated to be not present at the spot.

Learned State counsel has stated that allegation against the present petitioner is that main accused, Nar Singh and Chattar Pal had approached him for hiring the criminals. However, as per the FIR, Chattar Pal himself had fired on the complainant party.

In pursuance of the interim order dated 18.08.2018 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Therefore, no useful purpose will be served by sending him 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 18.08.2018, 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.

05.10.2018
parveen kumar

(INDERJIT SINGH)
JUDGE

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