

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-43199-2017(O&M)

Date of Decision: 08.01.2018

Dilbag Singh

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Pawan Kumar Hooda, Advocate for the petitioner.

Mr. Sharad Kumar Yadav, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J (Oral)

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.128 dated 2.9.2017 under section 306 read with section 34 I.P.C, registered at Police Station, GRP Rewari, District GRP Ambala Cantt.

While issuing notice of motion on 15.11.2017, the following order was passed by this Court:-

“Present petition under Section 438 Cr.P.C. for seeking pre-arrest bail to the petitioner(s) in case FIR No. 128 dated 2.9.2017, registered under Section(s) 306 IPC read with Section 34 IPC at Police Station GRP Rewari, District GRP, Ambala Cantt.

Learned counsel for the petitioner contended that petitioner has been arrayed as an accused on the basis of note dated 20.8.2017. Contention was further raised that Bhoop Dass, who was Chela of Banwari Dass had written a suicidal note. But Bhoop Dass was an illiterate person and he was not in a position to read and write and he used to put his thumb impression on the registered sale deed. That way, note dated 20.8.2017 itself is a forged document.

Notice of motion.

On asking of the Court, Ms. Neelam Kashyap, Deputy Advocate General, Haryana accepts notice on behalf of respondent. A copy of paper-book be provided to learned counsel for the respondent(s) during the course of the day.

List on 15.12.2017.”

On the subsequent date of hearing i.e. 15.12.2017, petitioner had been directed by this Court to join investigation and the concession of *ad interim* bail was granted.

Order dated 15.12.2017, passed by this Court reads as under:-

“Learned State counsel prays for adjournment as he has not received the brief.

Adjourned to 08.01.2018.

*The petitioner is directed to join the investigation and fully cooperate with the Investigating Officer/Arresting Officer. In the event of arrest, the petitioner shall be released on ad-interim anticipatory bail **till next date** in FIR No.128 dated 02.09.2017, registered under Section 34 IPC, at Police Station GRP Rewari, District GRP Ambala Cantt., on furnishing of his bail bonds amounting to ₹10,000/- with one surety in the like amount to the satisfaction of the Arresting Officer. Petitioner shall abide by the conditions envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”*

Learned State counsel upon instructions from ASI Brijesh Kumar would apprise the Court that the petitioner has since joined investigation and makes a statement that his custodial interrogation is not required. That apart, the observations made by this Court in the notice of motion order dated 15.11.2017 have gone un rebutted.

In view of the above, the present petition is allowed. The order dated 15.12.2017, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

08.01.2018

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No