

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-4553-2018(O&M)
Date of Decision: 24.04.2018

Kanwarpal

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. Namit Khurana, Advocate for the petitioner.

Mr. Ashish Yadav, Addl. 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.174 dated 28.12.2017 under sections 379, 411, 120-B I.P.C and sections 27, 29 of the Wild Life (Protection) Act, 1972 and sections 32, 33 of the Indian Forest Act, registered at Police Station, Sadar Jagadhari, District Yamuna Nagar.

On 5.2.2018, while issuing notice of motion, the following order was passed by this Court:-

“Petitioner has approached this Court for grant of anticipatory bail in the light of registration of FIR No.174 dated 28.12.2017, at Police Station Sadar Jagadhari, District Yamuna Nagar, under Sections 379, 411, 120-B of the Indian Penal Code and 27, 29 of the Wild Life (Protection) Act, 1972 and 32, 33 of the Indian Forest Act, 1927, against him.

Counsel for the petitioner places reliance upon the interim bail granted by this Court to co-accused Irshad @ Sada in CRM-M-627-2018, titled as 'Irshad @ Sada Vs. State of Haryana', vide order dated 16.01.2018 (Annexure P-3), to contend that petitioner is similarly placed as co-accused

Irshad @ Sada and therefore, he may be granted the same benefit as the petitioner is ready to join investigation and cooperate with the same.

Notice of motion for 28.02.2018.

To be listed along with CRM-M-627-2018, titled as 'Irshad @ Sada Vs. State of Haryana'.

In the meantime, petitioner is directed to join investigation and appear before the investigating officer. In case the petitioner is arrested, he shall be released on bail to the satisfaction of Arresting Officer, subject to the conditions as contained in Section 438 (2) of the Code of Criminal Procedure.”

Learned State counsel upon instructions from SI Joginder Singh would apprise the Court that the petitioner has since joined investigation.

It has also gone uncontroverted that Irshad @ Sada has been granted concession of pre-arrest bail in the light of order dated 28.2.2018 passed in CRM-M-627-2018.

In the considered view of this Court, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 5.2.2018, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

24.04.2018
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No