

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-44779-2017(O&M)

Date of Decision: 07.02.2018

Devender Sharma

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. Shiva Khurmi, Advocate for
Mr. Sarfraj Hussain, 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.221 dated 5.9.2017 under sections 420, 34 I.P.C, registered at Police Station, Shivaji Nagar, Gurugram.

In a nutshell, allegations against the petitioner, who otherwise held a license as a Parking Contractor, were that he had been charging from visitors of Mini Secretariat and Vikas Sadan, Gurugram for parking of vehicles not within the parking lot but within the public space/thorough fare.

While issuing notice of motion, the following order was passed by this Court on 27.11.2017:-

“Heard.

Learned counsel for the petitioner submits that petitioner was charging from visitors of Mini Secretariat and Vikas Sadan, Gurugram for parking their vehicles on the road despite having no authority to do so.

Notice of motion for 07.02.2018.

In the meanwhile, petitioner is directed to surrender before the police and join investigation within two weeks. In the event of his arrest being required, he shall be released on interim bail till the next date, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of interim bail allowed to him”

Learned State counsel upon instructions from ASI Jagdish Chand would apprise the Court that the petitioner has since joined investigation.

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 27.11.2017, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

07.02.2018
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No