

CRM-M-5075-2018

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

CRM-M-5075-2018

Date of Decision:30.08.2018

Paras Ram

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms. Sharmila Sharma, Advocate,
for the petitioner.

Mr. B.S.Virk, DAG, Haryana.

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.21 dated 12.01.2018, registered at Police Station Kharkhoda, District Sonapat, under Section 115 of the Indian Penal Code and Section 25 of the Arms Act, 1959.

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and contested this petition.

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

From the record, I find that FIR, in the present case, has been registered at the instance of Shobh Ram. As per the allegations, Rajbir etc. had killed father and brother of complainant by fire-arm injuries regarding

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which FIR has already been registered. On 12.01.2018, Devinder was arrested, who got his statement recorded to the police that for the last three days, he alongwith other persons was roaming around village Gorar and they were planning to kill the complainant and his brother. The allegation against the present petitioner is in respect of conspiracy of murder against the complainant which was hatched at the instance of present petitioner, who is father of Devinder.

In pursuance of the interim order dated 07.02.2018 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Nothing is to be recovered from him. The allegation of conspiracy has been levelled against the present petitioner which is also on the statement of co-accused. 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 07.02.2018, 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.

30.08.2018

parveen kumar

(INDERJIT SINGH)
JUDGE

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