

CRM-M-2970-2019

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

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Date of Decision: 25.01.2019

Jabbar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Amandeep Singh, Advocate,
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. D.S.Virk, Advocate,
for the complainant.

INDERJIT SINGH, J.

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.1247 dated 23.12.2018, registered at Police Station City Sirsa, District Sirsa, under Sections 506, 120-B of the IPC {Sections 115 (302) of the IPC added later on}.

Notice of motion was issued in this case. Learned State counsel has put in appearance 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 FIR, in the present case, has been got registered by one Rajinder Kumar @ Raju with the allegations that the present petitioner extended a threat to kill him saying that he did wrong by helping Ram Gopal and he(petitioner) would not leave him. He would get him murdered by giving ransom. It is also stated in the FIR that his uncle's son Israr and his friend Shamsher Singh used to commit murder by accepting ransom. It is also stated in the FIR that he (petitioner) had called his uncle's son Israr and his friend Shamsher Singh in his house with intention to kill him.

Perusal of record shows that mainly, it is a case regarding giving threat to kill. However, the police has mentioned Sections 120-B and 506 of the IPC in the FIR, but in the order dated 30.12.2018 passed by the learned Additional Sessions Judge, Sirsa, Sections 115 (302) of the IPC have also been mentioned regarding which there is nothing.

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 that no person has been killed. Neither there is any allegation in the FIR regarding abetment to kill nor there is any attempt to murder etc. Therefore, in these circumstances, I find that no useful purpose will be served by sending the petitioner to custody. Finding merit in the present petition, the same is allowed. It is ordered that in the event of arrest, the petitioner be released on

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bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

However, nothing stated herein above shall constitute my opinion on the merits of this case.

25.01.2019

parveen kumar

**(INDERJIT SINGH)
JUDGE**

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