

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7948-2019

Date of Decision: 06.05.2019

Niyaz Mohammad

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. M.D. Khan, Advocate for the petitioner.

Mr. Sharad Kumar Yadav, DAG, Haryana.

...

Inderjit Singh, J. (Oral)

Petitioner Niyaz Mohammad has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.0042 dated 02.02.2019, registered at Police Station Pinagwan, District Nuh (Mewat), under Sections 148, 149, 186, 307, 332, 353 and 395 of the Indian Penal Code, 1860 and 25 of the Arms Act, 1959.

Notice of motion was issued.

Learned State counsel has appeared 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 have gone through the record.

As per the FIR, the present petitioner along with 20-25 other co-accused took away the captured co-accused Nadeem after beating HC Sandeep. The present petitioner is stated to be aged about 62 years and a retired sub Inspector of RPF.

Learned counsel for the petitioner submits that the present

petitioner has been falsely implicated in this case.

In pursuance of the interim order dated 28.02.2019, passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. No useful purpose would 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 28.02.2019, 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.

06.05.2019

Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No