

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-36426 of 2017(O&M)

Date of Decision: 07.03.2019

Yashpal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: - Mr. Himmat Singh Deol, Advocate
for the petitioner.
Mr. Sandeep Vashisht, Dy. A.G., Haryana
Mr. Rao D.S. Nirbhan, Advocate for the complainant.

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HARINDER SINGH SIDHU, J.

This is a petition for grant of anticipatory bail to the petitioner in case FIR No. 264 dated 01.09.2017 registered at Police Station Khol, District Rewari, for the offence under Section 306 read with section 34 IPC.

The allegations against the petitioner are that he had caught hold the neck of younger brother of the complainant with one hand and his hairs with another hand. He had also abused Amit and threatened him with dire consequences. When the complainant asked the petitioner about the reasons for the same, he replied that he would be told by the evening. Thereafter, Amit committed suicide.

Vide order dated 28.09.2017, the petitioner was granted interim anticipatory bail and directed to join investigation.

Learned State counsel, on instructions from ASI Dharampal, states that the petitioner has joined the investigation and his custodial interrogation is not required.

Learned counsel for the complainant states that the interim bail granted to the petitioner is liable to be rejected as the petitioner had misused the concession of bail and on various occasions he had threatened the complainant.

Learned State counsel was requested to verify the aforesaid fact and in response thereto, status report by way of affidavit of Anil Kumar, Dy. Superintendent of Police, Kosli, District Rewari has been filed, in which it has been stated that various complaints dated 01.08.2017, 17.09.2017 and 2.10.2017 filed by the complainant were received by the local police. All the complaints have been inquired into. No substance was found with regard to the allegations levelled in any of the complaints.

In this view of the matter, the petition is allowed. The order dated 28.09.2017, granting interim anticipatory bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

March 07, 2019
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(HARINDER SINGH SIDHU)
JUDGE

Whether speaking/ reasoned:
Whether Reportable:

Yes
Yes/No