

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-45686 of 2018

.....

Date of decision:04.02.2019

Mohammad Mushtaq and another

.....Petitioners

v.

State of Haryana

.....Respondent

....

Present: Mr. Gaurav Dhir, Advocate for the petitioners.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana for
the respondent-State.

.....

Inderjit Singh, J.

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.490 dated 4.10.2018 registered for the offences under Sections 186, 342 and 353 IPC at Police Station Sector 5, Panchkula, District Panchkula.

Notice of motion has been issued in this case.

Mr. Tanuj Sharma, learned Assistant Advocate General, Haryana has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner and learned State counsel appearing for the respondent-State and have gone through the record.

As per the allegations in the FIR, the present petitioners had kept confined by tying the employees of the Horticulture Department, who

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had gone to deliver the 'Dak', whereas the learned counsel for the petitioners argued that as the employees of the Horticulture Department were asking for bribe, therefore, firstly, the petitioners dialed Telephone No.100 and then as per the direction of Chowki In-charge they were handed over to the Police. The petitioners filed complaint first and later on this FIR has been got registered by the complainant.

The present petitioners have already joined the investigation. As stated they are not required for any custodial interrogation. No useful purpose will be served by sending the petitioners to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 16.10.2018 passed by this Court granting interim bail to the petitioners is made absolute. However, the petitioners 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.

February 04, 2019.

(Inderjit Singh)
Judge

hsp

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