

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

CRM-M-27091of 2019(O&M)
Date of Decision: 17.09.2019

Subhash Chand

....Petitioner

Versus

State of Haryana

...Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioner.

Mr. Arun Kumar, AAG, Haryana.

MAHABIR SINGH SINDHU, J.(Oral)

Present petition has been filed under Section 438 Cr.P.C. seeking pre arrest bail in case FIR No. 148 dated 30.05.2019, under Sections 323, 427, 452, 506 and 34 of the Indian Penal Code registered at Police Station Nangal Choudhary, District Mohendergarh.

On 20.06.2019 while issuing notice of motion the following order was passed by this Court:

“Instant petition has been filed under Section 438 Cr.P.C seeking concession of anticipatory bail to the petitioner in case FIR No.148 dated 30.5.2019 under sections 323, 427, 452, 506 & 34 I.P.C, registered at Police Station, Nangal Choudhary, District Mohendargarh.

Counsel submits that the FIR has been registered on the complaint of Hari Singh against his own sons namely Jony, Jaswant as also the present petitioner. Petitioner happens to be the cousin brother of the complainant.

It is argued that the allegations are completely false. Rather the complainant Hari Singh is in relationship with a lady namely Sheela and it is at the instigation of such

lady that such allegations have been raised with the oblique motive so as to prevent his own sons from entering in the residential premises. Further urged that the present petitioner has been roped in as the other co-accused i.e. Jony and Jaswant are presently residing in the residential property in possession of the petitioner.

Notice of motion, returnable for 17.9.2019.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions as envisaged under Section 438(2) Cr.P.C.”

It is contended by learned counsel for the petitioner that in terms of the above order, petitioner has already joined investigation.

Learned State counsel on instructions from HC Sanjay has acknowledged the above factual position and stated that the custodial interrogation of the petitioner is no longer required in the present case.

In view of the above, order dated 20.06.2019 is made absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off.

However, it is made clear that above observations may not be construed as an expression of opinion on the merit of the case pending before learned trial Court.

[MAHABIR SINGH SINDHU]
JUDGE

September 17, 2019

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Whether speaking/reasoned
Whether reportable?

Yes/no
Yes/no