

(2012) 09 P&H CK 0303

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-21927 of 2012 (O and M)

Maqsooddin and Another

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: Sept. 13, 2012

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 438
- Penal Code, 1860 (IPC) - Section 120B, 323, 406, 498A, 506

Hon'ble Judges: Rameshwar Singh Malik, J

Bench: Single Bench

Advocate: Salim Ahmed, for the Appellant; Anupam Sharma, AAG, Haryana, for the Respondent

Final Decision: Allowed

Judgement

Rameshwar Singh Malik, J.

The petitioners, by way of instant petition u/s 438 Cr. P.C., seek pre-arrest bail in the case arising out of FIR No. 148 dated 19.3.2012, under Sections 323, 498-A, 406, 506, 120-B IPC, registered at Police Station Nuh, District Mewat. Notice of motion was issued granting interim protection to the petitioners, vide order dated 25.7.2012.

2. Learned counsel for the petitioners submits that petitioners have joined and cooperated with the investigating agency, in compliance of the order dated 25.7.2012. He further submits that since nothing is to be recovered from the petitioners, their custodial interrogation is not required and the instant petition deserves to be accepted.

3. Learned counsel for the State, on instructions from Head Constable Devinder, Police Station Nuh, District Mewat, submits that it is correct that petitioners have joined the investigation and cooperated with investigating agency, in compliance of the order dated 25.7.2012.

4. However, he submits that since allegations against the petitioners are direct, serious and specific, they are not entitled for pre-arrest bail.
5. Having heard the learned counsel for the parties and after going through the record of the case, this Court is of the considered opinion that present one is a fit case for extending the benefit of pre-arrest bail to the petitioners. I say so for more than one reasons, being recorded hereinafter Firstly, the petitioners have joined and cooperated with the investigating agency, in compliance of the order dated 25.7.2012. Secondly, since nothing is to be recovered from the petitioners, admittedly their custodial interrogation is not required.
6. Thirdly, the view taken by this Court finds support from the judgment of Hon"ble Supreme Court in Siddaram Setingappa Mhetre versus State of Maharashtra, 2011 (1) RCR (criminal) 126.
7. Considering the totality of facts and circumstances of the present case noted above, coupled with the reasons aforementioned, the order dated 25.7.2012 passed by this Court is hereby, made absolute. Resultantly, the instant petition stands allowed.