

Om Parkash Vs. Om Parkash

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Court : Punjab and Haryana

Decided On : May-13-2013

Appellant : Om Parkash

Respondent : Om Parkash

Judgement :

Crl.M.not M-6758 of 2013(O&M) -1- IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl.M.not M-6758 of 2013(O&M) Date of Decision: May 13, 2013 Om ParkashPetitioner v.

State of Haryana and othersRespondents CORAM: HON'BLE MR.JUSTICE RAM CHAND GUPTA Present: Mr.Balkar Singh, Advocate for the petitioner.

Mr.Raja Singh, AAG, Haryana.

Mr.Karan Singh, Advocate for respondent no.3....RAM CHAND GUPTA, J.(Oral)
The present petition filed under Section 438 Cr.P.C.is for grant of anticipatory bail to the petitioner in case FIR No.137, dated 12.10.2012, under Sections 406, 506 IPC, registered at Police Station Buria, District Yamunanagar.

I have heard learned counsel for the parties and have gone through the whole record carefully.

This Court while issuing notice of motion on 28.2.2013, passed the following order: Crl.M.No.12932 of 2013 Application is allowed subject to all just exceptions.

Crl.M.not M-6758 of 2013 Contends that petitioner has nothing to gain from this transaction and that he has not received any money and rather tractor was sold by co-accused Gaurav and he had only signed the receipt vide which payment was received by co-accused Gaurav.

Notice of motion to Advocate General, Haryana for 26.3.2013.

Crl.M.not M-6758 of 2013(O&M) -2- However, in the meantime, petitioner is directed to join the investigation and in case he is arrested, he shall be released on interim bail by the Arresting Officer to his satisfaction subject to compliance of conditions specified under Section 438(2) Cr.P.C.

It has been stated by learned counsel for the petitioner that pursuant to the said order, the petitioner has already joined the investigation.

It has been stated by learned State counsel as well on instructions from ASI Dal Singh that the petitioner has joined the investigation.

However, bail application has been opposed on the plea that tractor is yet to be recovered.

However, as per the allegations the tractor was not sold by present petitioner-accused.

Rather tractor was sold by co-accused Gaurav and the consideration was also received by co-accused Gaurav and petitioner only allegedly signed the receipt vide which payment was received by co-accused Gaurav.

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

In view of these facts and without expressing any opinion on the merits of the case, order dated 28.2.2013, granting interim bail to petitioner-Om Parkash is

hereby made absolute subject to the compliance of conditions contained in Section 438(2) Cr.P.C.The present petition stands disposed of accordingly.

13.5.2013 (Ram Chand Gupta) meenu Judge

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