

Umar Mohammad Vs. State of Haryana

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Court : Punjab and Haryana

Decided On : Mar-04-2013

Appellant : Umar Mohammad

Respondent : State of Haryana

Judgement :

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH Crl.

Misc.

not M- 2448 of 2013(O&M) Date of Decision:

04. 03.2013 Umar Mohammad ..Petitioner versus State of Haryana ..Respondent
CORAM:HON'BLE Mr.JUSTICE VIJENDER SINGH MALIK Present:- Mr.Sarfraj
Hussain, Advocate for the petitioner.

Mr.Sagar Deswal, AAG Haryana.

--- VIJENDER SINGH MALIK,J(ORAL) Umar Mohammad, the petitioner seeks pre-arrest bail in a case registered by way of FIR No.724 dated 31.12.2012 at Police Station Nuh, District Mewat, for an offence punishable under sections 354 and 506 IPC.

Learned counsel for the petitioner submits that the petitioner is the father-in-law of the complainant Nagma.

According to him, the complainant has levelled false allegations against him to grab his property.

According to him, the only non- bailable offence in this case is punishable under section 506 IPC, about which there are no allegations in the FIR.

He further submits that the petitioner has joined the investigation and his custodial interrogation is not required for investigation of this case.

Learned State counsel, on instructions of ASI Devender Singh, admits that the petitioner has joined the CrI.

Misc.

not M- 2448 of 2013 =2= investigation.

According to him, the name of Umar Mohammad is there in the FIR and nothing appears from the FIR that it is an attempt to grab the property of the petitioner.

He further submits that the allegations attracting section 506 IPC are there in the FIR.

The offence punishable under section 354 IPC is bailable.

The only offence which is non-bailable in this case is punishable under section 506 IPC.

The allegations in the FIR, contrary to what is submitted by learned counsel for the petitioner, are that Umar Mohammad gave beatings to her husband and threatened her that he would get her and her husband killed.

The allegations constituting offence punishable under section 506 IPC are definitely there.

However, the petitioner has joined the investigation and nature of the case shows that custodial interrogation of the petitioner is not required for investigation of this case.

Looking to the fact that the petitioner is the father-in-law of the complainant and looking to the possibility of there being a dispute over property at the base of this FIR, I find the petitioner to be entitled to bail.

Consequently, the petition is allowed and order dated 24.01.2013 granting interim anticipatory bail to the petitioner is made absolute.

March 04,2013 (VIJENDER SINGH MALIK) Jiten JUDGE

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