

(2012) 03 UK CK 0004

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 72 of 2012 in Stay Application No. 713 of 2012 and Miscellaneous Application No. 1916 of 2012

Mohd Israr and Others

APPELLANT

Vs

State of Uttarakhand

RESPONDENT

Date of Decision : 20-03-2012

Acts Referred:

Constitution of India, 1950 — Article 226
Penal Code, 1860 (IPC) — Section 212

Citation : (2012) 03 UK CK 0004

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Judgement

Hon'ble Prafulla C. Pant, J.—Heard. By means of this writ petition moved under Article 226 of Constitution of India, the petitioners have sought quashing of the First Information Report registered as Crime No. 20 of 2012, relating to offence punishable u/s 212 of I.P.C., Police Station Ranipur, District Hardwar.

2. The allegation against the petitioners is that a convict who was on bail did not surrender to serve out the sentence and as such, a First Information Report was got lodged by the court with the allegations that on issuing Non Bailable Warrants the petitioners made a false statement as to the fact that the convict was not living in Azad Nagar.

3. Learned counsel for the petitioners submitted that petitioners are innocent, and there was no intention on the part of the petitioners to shield the convict from the clutches of law.

4. Having considered submissions of learned counsel for the petitioners, and learned counsel for the State, in the facts and circumstances of the case, this court is not inclined to interfere with the investigation of the case. Therefore, the writ petition is dismissed summarily, with the observation that if the petitioners namely Mohd. Israr, Ahmad Hasan, Mohd. Anees, Khalil Ahmad, Syed Badre Alam, Saleem Ahmad, Zahoor Ahmad, Zameel Ahmad, Mohd Yusaf, Musharraaf

and Dalip Kumar, surrender before the court concerned, their bail application shall be heard and disposed of without unreasonable delay, keeping in mind that the offence is bailable. Apart from this it is further observed that the petitioners shall be required to file one personal bond and one surety bond for each one of them to the satisfaction of the Magistrate concerned. (Stay Application No. 713 of 2012 and CLMA No. 1916 of 2012 stand disposed of).