

JOGINDER @ JINDI
v.
STATE OF HARYANA
(Special Leave Petition (Crl.) No. 6346 of 2008)
SEPTEMBER 8, 2008
[Dr. Arijit Pasayat and Harjit Singh Bedi, JJ]

The following Order of the was delivered

Heard learned senior counsel for the petitioner.

Since the petitioner alleges that the offences charged are bailable offences, the High Court was not justified in holding that custodial interrogation was necessary. Section 438 Cr.P.C. in terms relates to non-bailable offences. Therefore, a petition under Section 438 Cr.P.C. in relation to bailable offences is mis-conceived, even if it is accepted that alleged offences are bailable. However, if the petitioner surrenders and seeks regular bail, the same shall be considered uninfluenced by any observations made by the High Court. The special leave petition is disposed of accordingly.