

**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

**CRM-M-19964 of 2015  
Date of decision : 16.07.2015**

**Kala alias Jamaluddin and another**

..... Petitioner

*Versus*

**The State of Haryana**

... Respondent

**CORAM:- HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Mr. Saleem Ahmed, Advocate for petitioners.

Mr. R.S. Doon, AAG, Haryana.

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**DARSHAN SINGH, J. (Oral)**

The present petition has been filed by petitioners Kala alias Jamaluddin and Mubin, under Section 438 of the Code of Criminal Procedure, 1973 for grant of the anticipatory bail in case FIR No. 101 dated 18.05.2015, under Sections 406 and 409 of Indian Penal Code, registered at Police Station Ferozepur Jhirka.

2. On the last date of hearing, the following order was passed : -

“The petition has been filed by the petitioners seeking for anticipatory bail in case FIR No.101 dated 18.05.2015 under Sections 406, 409 IPC registered at Police Station Ferozepur Jhirka.

Notice of motion.

At the asking of the Court, Mr. Vijesh Sharma, DAG, Haryana accepts notice for the respondent. The counsel for the petitioners shall supply a copy of complete paper book to the

counsel appearing for the State.

The petitioners contend that they have not misappropriated the goods and they have been falsely implicated in the present case. It is further contended that the goods alleged to be misappropriated have been recovered by the police and no further recovery is to be effected. I am of the view that the petitioners are entitled to protection for interim bail.

Under the circumstances, in the event of arrest, the petitioners shall be released on bail subject to the conditions laid down under Section 438 (2) Cr.P.C. as under:-

- (i) that the person shall make himself available for interrogation by a police officer as and when required;
- (ii) that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the person shall not leave India without the previous permission of the Court;

For reply by the State, adjourned to 16.07.2015.”

3. Learned State counsel on the instructions of ASI Manoj Kumar, Police Station Ferozepur Jhirka has stated that the petitioners have already joined the investigation. No recovery is to be effected from their possession and they are also not required for custodial interrogation.

4. It is not disputed that the recovery of the alleged misappropriated articles have already been effected. The main accused Hasan has already been admitted to regular bail, as stated at bar by learned counsel for the petitioners.

5. So, the detention of the petitioners will not serve any purpose.

6. Consequently, the present petition is hereby allowed and the order of interim anticipatory bail dated 17.06.2015 is hereby made absolute subject to the conditions that they shall join the investigation as and when required by the Investigating Officer; that they shall not directly or indirectly tamper with the prosecution evidence; that they shall not leave India without the prior permission of the trial Court.

**16.07.2015**

*sunil yadav*

**(DARSHAN SINGH)**  
**JUDGE**