

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

CRM-M-18776-2016 (O&M)

Date of decision : 07.11.2016

Anil

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN**

Present: Mr. Chiranji Lal, Advocate,  
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana,  
assisted by ASI Mukesh Chand.

**JITENDRA CHAUHAN, J. (Oral)**

The petitioner seeks pre-arrest bail under Section 438 of the Code of Criminal Procedure, in FIR No.84 dated 07.03.2016, registered under Sections 379 and 188 read with Section 34 of the Indian Penal Code and Sections 3 & 4 of the Explosive Substance Act, 1908, at P.S. Bhondsi, Gurgaon.

On 11.08.2016, learned State counsel made a statement that the petitioner had joined the investigation, but he did not cooperate. The matter was adjourned to 29.09.2016, with a direction to the petitioner to join the investigation on 30.08.2016. On 29.09.2016, learned counsel for the petitioner submitted that he had gone to the police station but his presence was not recorded, whereas, learned State counsel stated that the petitioner did not appear before the Investigating agency. The matter was again adjourned for today with the direction to the petitioner to join the

investigation on 30.09.2016. The affidavit of the counsel was also ordered to be placed on record.

Learned counsel for the petitioner has furnished affidavit of Mr. Javed Khan, Advocate, who accompanied the petitioner to the police station. The same is taken on record as Mark 'A'.

Learned State counsel admits the factum of joining the investigation by the petitioner but states that he is still not cooperating.

Keeping in view the fact that the petitioner was not arrested from the spot, he is not involved in any other FIR and has repeatedly joined the investigation, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 27.05.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands allowed.

However, nothing noticed hereinabove shall be construed as an expression of opinion of this Court, on the merits of the case.

**07.11.2016**  
*atulsethi*

**(JITENDRA CHAUHAN)**  
**JUDGE**

|                               |     |    |
|-------------------------------|-----|----|
| Whether speaking / reasoned : | Yes | No |
| Whether Reportable :          | Yes | No |