

**Sr. No. 204
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-32950 of 2015 (O&M)

Date of Decision: 21.04.2016

Salim Javed

...Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Satish Chaudhary, Advocate,
for the petitioner.

Mr. Vivek Saini, DAG, Haryana.

TEJINDER SINGH DHINDSA. J (ORAL)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.125 dated 31.03.2015, under Sections 379, 188 of Indian Penal Code, registered at Police Station Tauru, District Mewat.

On 28.09.2015, the following order was passed by this Court:-

“Petitioner seeks pre-arrest bail in FIR No. 125 dated 31.3.2015 under Sections 379/188 IPC, registered at Police Station Tauru District Mewat.

Learned counsel for the petitioner submits that present one is a case of mistaken identity. He further submits that neither the petitioner is owner of any stone crusher including M/s Salim Stone Crusher Co., nor he has anything to do with the offence alleged against him.

Notice to the Advocate General, Haryana for 17.11.2015.

In the meantime, in the event of arrest, the

petitioner shall be released on interim anticipatory bail to the satisfaction of arresting/investigating officer, subject to the conditions provided under Section 438 (2) Cr.P.C. At the first instance, petitioner shall join the investigation on or before 9.10.2015 and cooperate with the investigation agency. The petitioner is also directed to join the investigation, thereafter, as and when required by the investigation agency, by issuing a notice under Section 160 Cr.P.C.”

It has gone uncontroverted that the petitioner has since joined investigation.

The present petition is, however, vehemently opposed by learned State counsel by submitting that the petitioner has confessed before the Investigating Agency that he is the owner of the Stone Crusher being run under the name and style of M/s Salim Stone Crusher Co., and has further sublet it to one Munsaid who is none other than his own munim.

Be that as it may, the issue as to whether offence under Section 379 IPC is made out against the petitioner would be a matter of evidence and further investigation/trial.

The petitioner having joined investigation is found entitled to the concession of pre-arrest bail.

Petition is allowed. Order dated 28.09.2015, passed by this Court, is made absolute.

Disposed of.

21.04.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**