

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

CRM No.M-8083 of 2016 (O&M)

Date of Decision: 01.06.2016

Amar

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Ms. Sukhpreet Kaur, Advocate for the petitioner.

Mr. Vivek Saini, DAG, Haryana.

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TEJINDER SINGH DHINDSA.J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking the concession of anticipatory bail to the petitioner in case FIR No.570 dated 02.12.2015, under Sections 392/34 IPC, registered at Police Station Shahbad, District Kurukshetra.

On 10.03.2016, while issuing notice of motion, the following order was passed by this Court:

“Petitioner seeks concession of pre-arrest bail in case FIR No.570 dated 02.12.2015, under Sections 392/34 IPC, registered at Police Station Shahbad, District Kurukshetra.

FIR was registered on the statement of Mohamad Hussain. Allegations are that while the complainant who worked as a truck driver was going from Roorkee to Jammu Shamba in a truck bearing registration No.UP-15-CT-1605 on 02.12.2015 and stopped at Markanda Bridge Shahbad for having tea, he as also his conductor were approached by two unnamed boys on the pretext of selling bed-sheets/blankets. Complainant alleged that he had agreed to purchase the blanket from two boys for a sum of Rs.400/- and when he was about to give money from his pocket then one of the boys gave

him a push and snatched money forcibly from his hand. Further allegation is that the complainant had a total sum of Rs.20,000/- cash and which was taken away by the two unnamed boys and who fled away on a motorcycle.

Contention raised is that the petitioner was not named in the FIR nor was he apprehended on the spot. He is sought to be implicated on the strength of a disclosure statement of co-accused. It is further argued that even as per version of the complainant, there are no allegation of having put him in the fear of instant death or of wrongful restraint and as such offence under Section 392 IPC would not even be made out.

Notice of motion, returnable for 01.06.2016.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Ram Prabhat has apprised the Court that the petitioner has since joined investigation and even the recovery of a motorcycle used in the alleged occurrence is stated to have been effected.

In view of the above, the present petition is allowed. Order dated 10.03.2016 passed by this Court is made absolute.

Disposed of.

01.06.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**