

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

208

**CRM-M-3051 of 2017 (O&M)
Date of Decision: April 25, 2017**

Musabbar

....Petitioner

vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Ravi Malik, Advocate for the petitioner.

Mr. C.S. Bakshi, Addl. A.G. Haryana.

TEJINDER SINGH DHINDSA, J. (Oral)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in F.I.R. No.134 dated 23.02.2015 under sections 406 and 201 IPC, registered at Police Station City Ballabgarh, Faridabad.

On 01.02.2017, while issuing notice of motion, the following order was passed by this Court:-

"The present petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail in case FIR No.134, dated 23.02.2015, under Sections 406/201 IPC (Section 201 IPC added later on), registered at Police Station City Ballabgarh, District Faridabad.

Counsel submits that FIR came to be registered on the complaint of Brij Mohan. Allegations were in relation to a JCB machine having been taken on rent

by Samay Singh and neither the rent having been paid nor the machine returned. It is contended that during the course of investigation, Samay Singh has been declared innocent. The present petitioner is sought to be implicated on the basis of a disclosure statement of a co-accused and on the basis that he is running a junkyard.

Notice of motion, returnable for 25.04.2017.

In the meanwhile, petitioner is directed to appear before 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 Jakir Hussain would apprise the Court that the petitioner has since joined investigation.

It has further gone un-controverted that the petitioner is not involved in any other criminal proceeding.

Under such circumstances, custodial interrogation of the petitioner, as such, would not be warranted.

Prayer made in the present petition is accepted.

Accordingly, the order dated 01.02.2017, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

25.04.2017

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Whether speaking/reasoned : Yes

Whether reportable : No