

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

CRM-M -3543 of 2017 (O&M)

Date of decision: 09.03.2017

Harjinder Kaur and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. APS Guliani, Advocate for the petitioner(s).

Mr. Saurabh Mohunta, DAG, Haryana
assisted by ASI Bhupender Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner No.2 has sought anticipatory bail in FIR No.01 dated 01.01.2017, registered under Section 25 of Arms Act and Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Parao (Ambala Cantt.), District Ambala.

On 14.02.2017, this Court had passed the following order:-

“Learned State counsel, on instructions, informs that petitioner No.1 Harjinder Kaur is neither named in the present FIR nor required for investigation in the matter.

In view of above, the learned counsel for the

petitioner withdraw the present petition qua petitioner No.1, Harjinder Kaur.

Dismissed as withdrawn qua petitioner No.1.

However, petitioner No.2 is directed to join the investigation.

Post again on 09.03.2017.

Meanwhile, in the event of arrest of petitioner No.2 by the Arresting Officer, he shall be released on interim bail subject to the following conditions:-

- 1.That he shall make himself available for interrogation by a police officer as and when required;*
- 2.That he 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 and;*
- 3.That he shall not leave India without prior permission of the Court.”*

It is contended that abundant scooter owned by the complainant Swatantar Kumar was taken into custody by police on 01.01.2017. During the investigation, the statement of owner Swatantar Kumar was recorded who stated that the scooter in question was taken away by the petitioner from him on 20.12.2016. The learned counsel refers to the communication dated 07.09.2016 to contend that the complainant Swatantar Kumar and petitioner who once was a tenant of said Swatantar Kumar has absolutely no connectivity with each other and subsequently statement made before the police is only with a view to frame the petitioner No.2 in the

present FIR. He further states that the communication dated 07.09.2016 and the statement dated 20.12.2016 are not reconcilable. In pursuance of the order dated 14.02.2017, the petitioner No.2 Jung Phulwinder Singh has joined the investigation.

The learned State counsel, on instructions submits that the petitioner No.2 has joined the investigation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 14.02.2017, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

09.03.2017

sumit.k

(JITENDRA CHAUHAN)
JUDGE

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