

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

CRM-M -5906 of 2017 (O&M)

Date of decision: 19.04.2017

Rahul @ Manmoon

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Ms. Monisha Lamba, Advocate for the petitioner(s).

Mr. Neeraj Poswal, AAG, Haryana
assisted by ASI Mohd. Harun.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.197 dated 08.04.2016, registered under Sections 379-A and 201 of IPC, at Police Station Surajkund, District Faridabad.

On 22.02.2017, this Court had passed the following order:-

“Learned counsel contends that the petitioner is not named in the FIR. He has been falsely implicated in the present case on the basis of disclosure statement of co-accused, namely, Rohit. The alleged recovery of mobile phone has been effected from the co-accused. He further contends that the petitioner is not involved in any other FIR.

Notice of motion for 15.03.2017.

Meanwhile, in the event of arrest of the petitioner 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 in pursuance of the order dated 22.02.2017, the petitioner has joined the investigation.

The learned State counsel, on instructions submits that though the recovery of mobile phone has been effected from co-accused Rohit and Rs.400/- from the petitioner, however, the petitioner has destroyed the card used for travelling in the metro rail. He further states that the petitioner has joined the investigation.

Considering the fact that the petitioner was not arrested from the spot and he has been introduced in the present FIR on the basis of disclosure statement of co-accused, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 22.02.2017, 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.

19.04.2017

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(JITENDRA CHAUHAN)
JUDGE

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