

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

**CRM-M No. 11830 of 2018
Date of Decision : 16.08.2018**

Arshad @ Saddik

...Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE P.B.BAJANTHRI

Present : Mr. Saleem Ahmed, Advocate for the petitioner.

Mr. R.K.Doon, AAG, Haryana.

P.B.BAJANTHRI, J. (ORAL)

In the present petition, petitioner seeks anticipatory bail under the provision of Section 438 Cr.P.C. in FIR No.37 dated 30.01.2017 under Section 379 IPC registered at Police Station Tauru District Nuh.

2. Learned State counsel has filed report regarding pending cases against the petitioner-Arshad @ Siddiq. Same is taken on record. As per record two cases are still pending against the petitioner.

3. This Court vide order dated 24.04.2018 had directed the petitioner to join investigation and in the event of his arrest, he was ordered to be released on ad-interim bail to the satisfaction of Arresting/Investigating Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

4. Learned State counsel, on instructions from ASI Mahesh Pal states that in pursuance to the order dated 24.04.2018 the petitioner has joined investigation. That apart observations made by this court in the order

dated 24.04.2018 have gone un rebutted. In respect of other cases against the accused are concerned, he has been acquitted/convicted except in two cases. With regard to proclamation order, learned State counsel resisted the petitioner's contention on the ground of proclaimed offender order in case FIR No. 255 dated 09.12.2013 under Section 379 IPC, Police Station Dharuhera. Police has ample opportunity to arrest the petitioner in the abovesaid case, when he is before the police, so this contention is not correct.

5. In view of these factual aspect and circumstances, without expressing any opinion on the merits of case, the order dated 24.04.2018, granting ad-interim bail to the petitioner, is hereby made absolute. However, the petitioner shall abide by the conditions envisaged under Section 438(2) Cr.P.C.

6. However, the petitioner shall not in any way indulge in any criminal activities and he shall also not influence the witnesses or other wise interfere with the fair trial. This order would not come in the way of his custodial interrogation in any other matter.

7. Accordingly, the petition stands allowed.

16.08.2018
pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No