

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

CRM-M-42199-2017 (O&M)

Date of decision: 15.03.2018

Hanif

... Petitioner

Vs.

State of Haryana

... Respondent

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

Present: Mr. Afzal Hussain, Advocate for
Mr. Talim Hussain, Advocate for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

This order shall dispose of the instant petition preferred under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.194, dated 25.08.2017, under Sections 411/34 IPC, registered at Police Station Pingwan, District Mewat.

On 09.11.2017, while issuing notice of motion, the following order was passed by this Court:

“Present petition under Section 438 Cr.P.C. is for grant of pre arrest bail to the petitioner in FIR No. 194 dated 25.8.2017, under Sections 411 and 34 IPC, registered at Police Station Pingwan, District Mewat.

Learned counsel for the petitioner contended that recovery of stolen vehicle was from co-accused and the petitioner was not even apprehended on the spot. However, as per record of the case file, the petitioner is involved in some more cases of similar nature.

Notice of motion for 23.1.2018.

Mr. S.P. Singh, DAG, Haryana, who is present in Court, accepts notice on behalf of the State.

Adjourned to 23.1.2018.

A copy of paper book be provided to the learned State counsel during the course of the day.”

Thereafter, the matter came up for hearing on 23.01.2018 and the petitioner was directed to join investigation and was granted interim protection in terms of the following order:

“During the course of arguments, it stands conceded that the petitioner was not apprehended on the spot and rather is sought to be nominated on the basis of statement recorded of the co-accused.

List for further consideration on 15.03.2018.

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 satisfaction of the Arresting/Investigating Officer. The petitioners 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.”

This Court while granting interim protection had taken note of the uncontroverted position that the petitioner had not been apprehended on the spot and was sought to be nominated on the basis of statement recorded of the co-accused.

Learned State counsel upon instructions from HC Rohtash apprises the Court that the petitioner has since joined investigation.

Custodial interrogation of the petitioner, as such, would not be warranted.

Prayer made in the instant petition is accepted.

Order dated 23.01.2018 passed by this Court is made absolute.

Disposed of.

15.03.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |