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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33374-2019
Date of decision-27.08.2019

Issar

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr. Sukhdeep Parmar, DAG, Haryana assisted by
ASI Ajay Pal.

MANOJ BAJAJ, J.

Petitioner-Issar has prayed for grant of anticipatory bail in case
FIR No.145 dated 22.06.2010 under Section 379 of Indian Penal Code, 1860
registered at Police Station Gurgaon, Sector-40, District Gurgaon.

On 19.08.2019, notice of motion was issued and the following
order was passed:-

*“Learned counsel for the petitioner contends that as per
the prosecution, the petitioner has purchased the stolen
vehicle (motorcycle) from co-accused on whose statement
the petitioner was indicted as an accused. According to
him, in the absence of the offence under Section 411 IPC,
no case is made out against the present petitioner who
stands declared as proclaimed offender.
Notice of motion for 27.08.2019.”*

Learned counsel for the petitioner contends that the petitioner
has been falsely implicated in the present case as he is not named in the FIR
and nothing is to be recovered from him. He further contends that the

custodial interrogation of the petitioner may not be required who is willing to join the investigation.

On the other hand, learned State counsel assisted by ASI Ajay Pal has opposed the prayer, however, it is not disputed by him that the petitioner was indicted on the basis of disclosure statement of co-accused. It is also not disputed that the petitioner was indicted as an accused for the offence punishable under Section 411 IPC whereas the same is not incorporated in the FIR. It is fairly stated that the petitioner is not an accused for the offence under Section 379 IPC.

Considering the above background, it is ordered that in the event of arrest of the petitioner by the Arresting Officer, he shall be released on bail subject to his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall join investigation as and when called for by the Investigating Officer and would abide by the conditions enshrined under Section 438(2) Cr.P.C.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

27.08.2019

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