

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

CRM-M-20667 of 2020 (O&M)

Date of decision: September 23, 2020

Jamil @ Miya

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Munfaid Khan, Advocate for the petitioner.

Mr. S.S. Mann, Additional Advocate General, Haryana.

Ashok Kumar Verma, J.(oral)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.0277 dated 30.10.2019, registered at Police Station Pinangwa, District Nuh, under Sections 395, 397, 120-B, 171 IPC and Section 25-54-59 of Arms Act, 1959.

Learned State counsel (on the instructions from ASI Devender Kumar) submits that the petitioner has joined the investigation and is no longer required for custodial interrogation.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that as per the prosecution version, allegation against the petitioner is that he alongwith co-accused Aasu took the complainant party to a spot, where the other accused were present and looted Rs.12 lakhs from the complainant party.

In pursuance of the interim order dated 28.7.2020, passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Therefore, no useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 28.7.2020, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

However, nothing stated above shall constitute my opinion on merits of the case.

(ASHOK KUMAR VERMA)
JUDGE

September 23, 2020
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No