

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

208

**CRM-M-51685-2019
Date of decision: 04.02.2020**

Mohd. Ibrahim

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Puneet Pali, Advocate for
Mr. Mohd. Salim, Advocate
for the petitioner.

Mr. Arjun Singh Yadav, Asstt. A.G., Haryana
for respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

Prayer in this petition filed under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C') is for grant of anticipatory bail to the petitioner in case FIR No. 345 dated 04.10.2019 registered under Section 42-A of the Prisons Act, 1894 as amended by the Haryana Prisons (Haryana Amendment) Act, 2014 at Police Station Bhondsi, District Gurugram.

Vide order dated 05.12.2019 passed by this Court, the petitioner was granted interim anticipatory bail with direction to join the investigation.

Learned State Counsel has appeared on behalf of the respondent-State and opposed the bail application.

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

Learned counsel for the petitioner has submitted that the petitioner was not involved in the crime. In compliance with order

dated 05.12.2019 passed by this Court, the petitioner has joined the investigation. His custodial interrogation is not required for effecting any further recovery. Therefore, the order granting interim anticipatory bail may be confirmed.

On the other hand, learned State Counsel has submitted that the petitioner is to be interrogated regarding the mobile phone thrown inside the jail and his custodial interrogation is necessary for the purpose.

Keeping in view of the facts and circumstances of the case including the nature of accusation and the fact that the petitioner can be interrogated about the mobile phone thrown inside the jail by joining him in investigation but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the concession of anticipatory bail.

Therefore, the petition is allowed and order dated 05.12.2019 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 enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

04.02.2020

Rajeev (rvs)

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No