

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

207

CRM-M-10804-2020

Date of Decision : 05.10.2021

Hans Raj

..... Petitioner

Vs

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Mr.Aakash Juneja, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.346 dated 28.11.2019 under Sections 380, 457 IPC registered at Police Station Sadar Gohana, Sonipat.

On 12.08.2021, following order was passed:-

“The case has been taken up for hearing through video-conferencing.

Notice of notice was issued on 16.03.2020. Arrest of the petitioner was stayed till the next date of hearing.

Learned counsel for the petitioner contended before this Court that the petitioner was summoned vide notice under Section 41-A Cr.P.C in the FIR No.346 dated 28.11.2019,

under Section 379/34 IPC, Police Station Sadar, Gohana, District Sonapat. The Offences under Section 380/457 IPC were not incorporated in the notice. Petitioner was nominated in the disclosure statement of Sonu who was named in the FIR.

According to stand of aforesaid Sonu, he had already sold the vehicle in question in favour of the petitioner.

In view of aforesaid factual position, I deem it appropriate to direct the petitioner to join investigation on 18.08.2021 at 11:00 AM and in the event of his arrest, he shall be enlarged on interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer.

However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Nothing expressed hereinabove shall be construed to be an opinion in the merits of the case. The case shall be decided on the merits on the adjourned date.

Adjourned to 05.10.2021.”

Learned counsel for the petitioner submitted that the petitioner was nominated on the disclosure statement of Sonu who was named in the FIR. Sonu had already sold the vehicle in question in favour of the petitioner. Offences under Section 380/457 IPC were not incorporated in the notice issued to the petitioner under Section 41-A Cr.P.C. He was only summoned vide the aforesaid notice under Section 379/34 IPC. The

petitioner has joined investigation in pursuance of order dated 12.08.2021.

This fact has been admitted by learned State counsel on instructions from SI Mahabir. He further submits that the presence of the petitioner is no more required for any further investigation in this case as the recovery has already been effected from the petitioner.

In view of the statement made by learned State counsel, the interim order dated 12.08.2021 is made absolute. Petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

05.10.2021
Anju

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