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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15492-2021
Date of decision-29.10.2021

DEEPAK

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Devender Arya, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure read with Section 482 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.538 dated 09.10.2020, under Sections 379 Indian Penal Code 1860 and later on added Section 420 Indian Penal Code, registered at Police Station City Mahendergarh, District Mahendergarh. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 08.04.2021, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“This is a petition filed under Section 438

Cr.P.C. for grant of anticipatory bail in case FIR No. 538 dated 9.10.2020, registered under Section 379 IPC (Section 420 IPC added later on) at Police Station City Mahendergarh, District Mahendergarh.

FIR was lodged on the statement of one Zile Singh who stated that in the morning on 1.10.2020, his motorcycle make Hero Honda Splendor having red colour was stolen by unknown person when it was parked outside his house. It is alleged that petitioner was in custody in another case FIR No. 539 dated 9.10.2020 under Sections 342, 350, 376 IPC at Police Station Mahendergarh. On the disclosure statement made by petitioner in that case, he got recovered said motorcycle. However, its number plate was changed.

Learned counsel for petitioner states that motorcycle allegedly stolen has already been recovered. Apart from FIR No. 539 dated 9.10.2020, no other case is pending against petitioner. Infact, said FIR has been cancelled. Petitioner is ready to join investigation and cooperate in the same.

Notice of motion.

Mr. Tapan Kumar, DAG Haryana accepts notice on behalf of respondent State.

Adjourned to 1.7.2021.

In the meanwhile, in the event of arrest of petitioner, he shall be released on interim anticipatory bail to the satisfaction of Arresting Officer/Investigating Officer. He will join investigation as and when called for and cooperate in same. He will abide by conditions of Section 438 (2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by L/ASI Mukesh Devi does not dispute this fact that the petitioner has joined the investigation and he is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 08.04.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

29.10.2021

Vipin kumar

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