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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.20930 of 2021

Date of Decision: 04.10.2021

JAGDEEP

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Yashveer Kharb, Advocate
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.0089 dated 09.03.2021 registered under Section 379-A IPC and Section 25 of the Act No.54 of the Arms Act (Sections 411 and 34 IPC added later on and Section 25 of Act No.54 of Arms Act deleted later on) at Police Station Industrial Sector 29, Panipat, District Panipat.

On 09.06.2021, following order was passed by the Co-ordinate Bench of this Court:-

“Case has been heard through video conferencing on account of Covid-19 Pandemic.

Present petition has been filed under Section 438 Cr.P.C. by the petitioner for grant of anticipatory bail in case having FIR No.89 dated 9.3.2021 registered under Section 379-A of IPC and Section 25 of Arms Act (Sections

411 and 34 IPC were added later on and Section 25 of Arms Act was deleted later on) at Police Station Industrial Sector 29, Panipat, District Panipat.

Notice of motion.

Mr. Anant Kataria, DAG, Haryana, accepts notice on behalf of the State of Haryana.

Counsel for the petitioner submits that FIR in this case was registered against unknown persons regarding snatching of motorcycle, mobile phone and wallet containing ₹ 600/- from the complainant, on 9.3.2021 by showing him pistol. Learned counsel further contends that during the investigation, Vikas @ Deepu and Naveen @ Somi were arrested and recovery of motorcycle and mobile phone has been effected from them. Present petitioner has been named as accused in this case on the basis of disclosures made by Vikas @ Deepu and Naveen @ Somi. He further contends that the petitioner is ready to join the investigation with the police.

Learned State counsel while contesting the bail petition submits that the petitioner is required by the police for proper and effective investigation of the case. However, he did not refute the fact regarding recovery of motorcycle and mobile phone from co-accused namely Vikas @ Deepu and Naveen @ Somi.

Recovery of snatched motorcycle, mobile phone and cash worth ₹ 500/- has already been effected in this case from co-accused Vikas @ Deepu and Naveen @ Somi. The petitioner was not named in the FIR. He is nominated as accused only on the basis of confession made by the co-accused. Admissibility of such type of confession is debatable point.

In the light of above, in case of arrest, the petitioner is directed to be released on interim bail by the

investigating officer to his own satisfaction till the next date of hearing. The petitioner shall join the investigation with the police well in time before the next date of hearing and should cooperate with the investigating officer and also abide by the conditions as envisaged under Section 438(2) of the Cr.P.C.

To come up on 22.7.2021.”

On 22.07.2021, both the parties were at variance in the context of joining of investigation by the petitioner. In view of that situation, the petitioner was directed to appear before the *Illaq*a Magistrate on 29.07.2021 at 11.00 A.M. and in the event of his appearance, the *Illaq*a Magistrate was to summon the Investigation Officer in the Court and facilitate the joining of the petitioner in his presence.

Today, learned State counsel on instructions from ASI Rajender Singh submits that the petitioner has joined the investigation to the entire satisfaction of the Investigating Officer and his presence is no more required for further investigation of the case.

In view of aforesaid factual position, the interim orders dated 09.06.2021 and 22.07.2021 are made absolute. However, the 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

October 04, 2021
Atik

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