

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.22254 of 2021
Date of Decision: July 05, 2021

Jaheer

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Saleem Ahmed, Advocate,
for the petitioner.

Mr. Gurbir Singh Dhillon, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.122 dated 20.05.2021, under Sections 5/13(2), 17 HGS & GS Act, 2015, registered at Police Station, Sadar Tauru, District Nuh. The petitioner apprehended his arrest at the hands of police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 04.06.2021, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“By way of filing the present petition, the petitioner has sought the concession of anticipatory bail in case FIR No.0122, dated 20.05.2021, under Sections 5/13(2), 17 of HGS & GS Act, 2015, Police Station Sadar Tauru, District Nuh.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the instant case only on the basis of disclosure statement of co-accused. The

petitioner was not apprehended at the spot and no recovery has been effected from the petitioner.

Notice of motion.

Mr. Manish Dadwal, AAG, Haryana accepts notice on behalf of the respondent-State. Copy of the paper book has already been supplied to learned State counsel.

Let the reply/status report be filed on or before 05.07.2021.

In the meantime, the petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on interim bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions, as envisaged under section 438(2) Cr.P.C:-

(i) that the petitioner shall make himself available for interrogation by a police officer as and when required;

(ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave India without the previous permission of the Court;

(iv) that the petitioner shall surrender his passport, if any, before the concerned Chief Judicial Magistrate.”

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 HC Jamshed, does not dispute this fact that the petitioner has joined the investigation.

However, he submits that Sections 420 and 473 IPC were also added later on. Learned counsel, on instructions, further states that the petitioner 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 04.06.2021 is made absolute.

July 05, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

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