

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

CRM-M- 24004-2020 (O&M)
Date of Decision: 24.08.2021
(Heard through V.C.)

Vicky

... Petitioner

VERSUS

State of Haryana and another

.... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present Mr. V. P. Sangwan, Advocate
 for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana

Mr. Sushil Sheoran, Advocate for respondent N o. 2.

JAISHREE THAKUR, J.(Oral)

1. The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No. 60 dated 28.03.2020 under Sections 323, 34, 354, 406, 498-A, 506 IPC (later on added Sections 376, 511 IPC) registered at Police Station Jhojhu Kalan, Tehsil and District Charkhi Dadri.

2. Learned counsel for the petitioner contends that the petitioner is falsely implicated in the present case and on instructions of this Court dated 24.08.2020, he has joined the investigation. It is contended that the

petitioner has handed over some of the articles in his possession to the Investigating Officer and some articles have already been taken by the complainant at the time of leaving the home, while further arguing that the recovery would be matter of trial.

3. At this stage, an appearance has been caused on behalf of respondent No.2. Learned counsel opposes the grant of bail to the petitioner while contending that some recoveries of gold and silver are yet to be made.

4. Learned State counsel, on instructions from ASI Veerpal submits that though the petitioner has joined the investigation but some recoveries are yet to be effected.

5. I have heard learned counsel for the parties and have perused the file.

6. It has been held in the judgment '*Bhupinder Singh etc. vs. State of Punjab, 2014(2)RCR (Criminal) 109* that bail cannot be denied only on the ground that recoveries have not been effected.

7. In view of the facts that the matter has been investigated qua the petitioner and he has already joined the investigation, without commenting on the merits of the case, the petition is allowed and order dated 24.08.2020 granting interim bail to the petitioner is made absolute subject to the conditions laid down in Section 438 Sub Section 2 Clauses (i) (ii) and (iii) of the Code of Criminal Procedure.

24.08.2021
Seema Goran

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No