

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(123)

CRM-M-33257-2021

Date of decision: - 10.11.2021

Aalam

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sarfraj Hussain, Advocate,
for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C.
for the grant of anticipatory bail to the petitioner in respect of FIR No.103
dated 01.06.2021 registered under Section 380 IPC at Police Station
Nagina, District Nuh.

Learned counsel for the petitioner contends that the petitioner
has joined the investigation in terms of order passed by this Court on
17.08.2021. Order dated 17.08.2021 is as under: -

“The present petition has been filed under Section 438 Cr.P.C.
for the grant of anticipatory bail to the petitioner in respect of FIR
No.103 dated 01.06.2021 registered under Section 380 IPC at Police
Station Nagina, District Nuh regarding the theft of animals (Goats).

Learned counsel for the petitioner argues that the petitioner has wrongly been involved in the present case and he has nothing to do with the allegations being alleged in the FIR. Learned counsel for the petitioner further argues that it is only due to enmity between the parties, the petitioner, who is married in the said village, has been falsely implicated. Learned counsel for the petitioner submits that the petitioner is ready to join and cooperate in the investigation and will also help the police to recover any item, which the police might be searching, keeping in view the allegations alleged in the present FIR.

Notice of motion for 10.11.2021.

Mr. Gaurav Bansal, AAG, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State.

Learned State counsel submits that the petitioner was specifically named in the FIR and the motorcycle, which is allegedly used in the incident belongs to the petitioner and is yet to be recovered.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the allegations alleged against the petitioner, especially, when the petitioner has undertaken to join and cooperate in the investigation, the petitioner has made out a case for the grant of benefit of anticipatory bail. The petitioner has undertaken before this Court that in case, motorcycle belonging to the petitioner which is alleged to have been used in the incident is required by the investigating authority, the petitioner will surrender the same before the authorities after joining the investigation.

The petitioner is directed to join the investigation forthwith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

- (i) That he shall make herself available for interrogation by the police officer as and when required.
- (ii) That he 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 from disclosing the said facts to the

Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C”

Learned State counsel, on instructions from HC Sanjit Kumar, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and is not required for further interrogation, at this stage.

In view of the above, the order dated 17.08.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The present petition stands disposed of.

November 10, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No