

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-37780 of 2021
Date of Decision : 15.11.2021

Sumit

...Petitioner

Versus

State of Haryana

...Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ajay Kripal Singh, Advocate for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No.265 dated 13.05.2021 registered under Sections 380 and 457 of the IPC at Police Station Bhiwani City, District Bhiwani.

Learned counsel for the petitioner submits that the petitioner has joined investigation in terms of the order passed by this Court on 13.09.2021. Order dated 13.09.2021 is as under:-

“Present Petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.265 dated 13.05.2021 registered under Sections 380, 457 of IPC at Police Station Bhiwani City, District Bhiwani.

Learned counsel for the petitioner argues that in the present case the petitioner has been roped in on the basis of disclosure statement of the co-accused, which is yet to be proved during the trial. Learned counsel submits that even otherwise nothing has been recovered from the co-accused so as to prove that a sum of Rs.2.5 lacs in cash and jewellery amounting to Rs.2 lacs were stolen from the temple. Learned counsel submits that one of the co-accused

has already been granted the benefit of regular bail and the petitioner is ready to co-operate with the investigation after joining the same.

Notice of motion.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana, who is present in the Court accepts notice on behalf of the respondent- State.

Learned counsel for the State submits that it is correct that the petitioner has been roped in on the basis of the disclosure statement of the co-accused but the stolen items are yet to be recovered.

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

Once the petitioner has been roped in on the basis of the disclosure statement of co-accused and the same is yet to be proved during the trial and the petitioner has already undertaken before this Court to join the investigation and cooperate with the same, which will suffice the purpose of investigation hence he has made out a case for the grant of anticipatory bail.

Petitioner is directed to join and cooperate in 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 his/her satisfaction subject to the following conditions:

- i) That he shall make himself 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.

Adjourned to 15.11.2021.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel, who has also joined the proceedings

through video conference, on instructions from HC Sawan Singh states that

in terms of the order of this Court reproduced before, the petitioner has

joined investigation and he is not required for further interrogation, at this stage.

In view of the above, the order dated 13.09.2021 passed by this Court 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 petition stands disposed of.

November 15, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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