

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

CRM-M-2643-2022

Date of decision : 31.08.2022

Virender Singh @ Madu

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Kuldeep Singh Siwach, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

PANKAJ JAIN, J. (ORAL)

While issuing notice of motion, the following order was
passed:-

“1. An FIR No. 348 of 28.09.2021, is registered against the bail applicant - petitioner, at Police Station Sadar Fatehabad, District Fatehabad, constituting therein offences under Sections 148, 149, 307, 384, 506 of the IPC, and, under Section 25 (Act No. 54) of the Arms Act, 1959.

2. Notice to respondent.

3. Mr. Pradeep Prakash Chahar, Deputy Advocate General, Haryana, waives service of notice on behalf of the respondent, and, is directed to file, within two weeks thereafter, a detailed reply on affidavit to the petition.

4. For the afore purpose, list on 01.04.2022.

5. In the meanwhile, till further orders, the Arresting/Investigating Officer may not arrest the bail-applicant. However, the afore interim order is subject to the bail applicant furnishing, personal and surety bonds in the sum of Rs. 25,000/- each, to the satisfaction of the Arresting / Investigating Officer, and also with an undertaking, therein that as and when he is summoned by the investigating officer, through a written Hukamnama, he will cooperate in the further investigations being made into the offences concerned. The afore interim order is further subject to his (petitioner) enabling, at his instance, the recovery of the alleged weapon of offence, by the Investigating Officer concerned.

6. Dasti copy.”

2. Today, learned State counsel submits that pursuant to the order dated 21.01.2022, the petitioner has joined investigation and is no longer required for custodial interrogation. However, he raises the concern w.r.t. the cooperation with the investigating agency by saying that the mobile phone is yet to be recovered.

3. Faced with the situation, counsel for the petitioner submits that the petitioner has already suffered a statement during the investigation that the mobile phone from which the call was made to the complainant has fallen.

4. Keeping in view the fact that so far as the mobile phone is concerned, the petitioner has taken a specific stand, the documents linking the mobile phone with the sim card are already with the investigating agency.

5. In view of above, the interim order dated 21.01.2022 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

6. This petition stands disposed off.

(PANKAJ JAIN)
JUDGE

31.08.2022

Dinesh

Whether speaking/reasoned
Whether Reportable :

Yes

No