

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-3770-2021 (O & M)
Date of decision: 17.02.2022

Mubeen Petitioner
V/s
State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Rosi, Advocate, for the petitioner.
Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

JASJIT SINGH BEDI, J. (Oral)

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.0012 dated 20.01.2020 under Sections 25 of the Arms Act, 1959 and Section 34, 341, 364, 379-B IPC registered with Police Station Bhondsi, District Gurugram.

On 28.01.2021, following order was passed by this Court:-

“The Court has been convened through video conferencing due to Covid-19 Pandemic.

Instant petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No. 0012 dated 20.01.2020, registered under Section 25 of Arms Act, 1959 and Sections 34, 341, 364 and 379-B of IPC at Police Station Bhondsi, District Gurugram (Annexure P-1).

Counsel for the petitioner has argued that the petitioner is not named in the FIR and the three persons, who are alleged to have played active role in snatching the truck, have already been arrested. Out of them, two have been released on regular bail by this Court, vide orders dated

07.08.2020 and 08.10.2020 (Annexures P-3 and P-4). Counsel contends that the petitioner is being framed on the basis of a disclosure statement of the co-accused, which is admissible in evidence. Still further, it is her argument that even if the disclosure statement is examined, no specific role has been attributed to the petitioner in the entire episode. She asserts that the petitioner has clean antecedents and is prepared to join the investigation.

Notice of motion.

On asking of the Court, Mr. Rajiv Sidhu, DAG, Haryana accepts notice on behalf of respondent-State.

List on 22.04.2021.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C. ”

However, learned State counsel on instructions from ASI Deep Chand, submits that the petitioner has joined investigation in terms of orders dated 28.01.2021 and 21.01.2022 and is not required for custodial interrogation.

In this view of the matter, interim order dated 28.01.2021 is made absolute. However, the petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

February 17, 2021
sukhpreet

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