

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

-.-

CRM-M-6154-2022 (O&M)
Date of Decision : 08.04.2022

Wasim Ahmad

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Azad Khan, Advocate for the petitioner.
Ms. Ambika Sood, Addl. AG Haryana.

ALKA SARIN, J. (Oral)

On 14.02.2022, the following order was passed:-

“ Taken up in physical mode.

This is the second petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.0119 dated 17.03.2021 under Sections 407, 34 and 120-B of the Indian Penal Code, 1860 registered at Police Station Nuh. The first petition for grant of anticipatory bail being CRM-M-4143-2022 was dismissed as withdrawn on 02.02.2022 with liberty to file afresh with better particulars.

Learned counsel for the petitioner would contend that the name of the petitioner has figured only in the disclosure statement and there is no other evidence linking him to the present incident. It has further been contended that the complaint itself was lodged two

weeks after the alleged incident. The learned counsel has further contended that there is no other case against the petitioner.

Notice of motion.

On the asking of the Court, Mr. Viney Phogat, DAG Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

Learned counsel for the State, on instructions from HC Sabir Hussain, contends that as per the disclosure statement of the co-accused the petitioner is the person who had purchased the mobile phone from the driver. Learned State counsel is, however, not in a position to deny that the complaint had been lodged after a period of two weeks from the incident and also that no other case is pending against the petitioner.

List on 30.03.2022.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

Learned counsel for the petitioner has stated that the petitioner has since joined investigation and has fully co-operated therewith. He has further stated that there is no other case pending against the petitioner.

Status report has been filed by the learned State counsel, which is taken on record. Learned counsel for the State has stated that although the petitioner has joined investigation but he is required for further custodial interrogation. However, she is not in a position to deny the fact that there is no other case pending against the petitioner.

In view of the above, the order dated 14.02.2022 is made absolute. The petitioner shall, however, join investigation as and when called for. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

Disposed off accordingly.

April 08, 2022
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO