

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-13385-2022
Decided on : 17.05.2022

Devender

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Ms. Manpreet Kaur Mavi, Advocate for
Mr. Nipun Vashist, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 91 dated 01.03.2022 under Section 379 of the Indian Penal Code, 1860 registered at Police Station Bawal, District Rewari.

On 31.03.2022, this Court was pleased to pass the following order:

“Learned counsel for the petitioner inter alia contends that in the present case, the petitioner was not named in the FIR and the suspicion raised by the complainant was against Rahul who had been arrested and from whom the motorcycle in question has been recovered. It is further submitted that the petitioner has been implicated on the basis of disclosure statement made by the said Rahul who was unhappy with him because the petitioner had refused

to allow him to park the unknown motorcycle outside his house. It is argued that the petitioner is a student of B.Com and on the date of occurrence, he had given the examination and he was preparing for his next examination. It is further argued that the petitioner does not have any other case registered against him.

Notice of motion.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of State of Haryana and seeks time to get instructions.

Adjourned to 17.05.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C. ”

Learned counsel for the petitioner has submitted that in pursuance of the above order, the petitioner has joined the investigation and is not involved in any other case.

Learned State counsel, on instructions from HC Mahipal has submitted that the petitioner has joined the investigation on 19.04.2022 and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 31.03.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 31.03.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

17.05.2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No