

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

206

CRM-M-20027-2022

Date of Decision: 08.12.2022

Jasveer Singh @ Jassu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. K.S.Brar, Advocate, for the petitioner.

Mr. Abhinash Jain, DAG, Haryana,
assisted by SI Nirmal Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.383 dated 14.10.2020, Police Station Sadar Fatehabad, District Fatehabad, under Section 394 of Indian Penal Code.
2. At the time of issuance of notice of motion on 11.05.2022, the following order was passed:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.383 dated 14.10.2020, Police Station Sadar Fatehabad, District Fatehabad, under Section 394 of Indian Penal Code.

Learned counsel for the petitioner submits that while in FIR No.383 dated 14.10.2020, the complainant has levelled allegations to the effect that on 13.10.2020 at about 8:00 PM, 4 unknown persons had stopped the complainant's motor-cycle and had attacked with an axe and robbed him of mobile phone and money, which he was carrying and also took away his motor-cycle, another FIR i.e. FIR No.201 dated 13.10.2020 registered at Police Station Nathana, District Bathinda, under Sections 399/402/379-B IPC and

Section 25 of the Arm Act, was also lodged against the petitioner on 13.10.2020, wherein the petitioner is stated to have been arrested in the evening of the same very day. Learned counsel has further submitted that Fatehabad, where the present FIR i.e. FIR No.383 dated 14.10.2020 was lodged, is at a distance of 125 Kms. from Village Puhla, District Bathinda and that both the occurrences are stated to have taken place around 8:00 PM on the said date and in fact the petitioner is stated to have been arrested in District Bathinda in the evening of 13.10.2020 and as such, it is not possible for the petitioner to have committed any offence at Fatehabad around the same time on 13.10.2020.

Learned counsel for the petitioner submitted that when an application was filed before the Court of Sessions seeking grant of anticipatory bail, the stand taken by the State was to the following effect:

“..... The matching of time of two FIRs do not anywhere show that petitioner was present on both the places because in the present FIR only allegation against the petitioner is that the motorcycle which was robbed by co-accused persons in the alleged occurrence has been found to be in possession of the present petitioner and it can only be verified from the petitioner that how he will come into the possession of the same.....”

Notice of motion for 13.7.2022.

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

The State to file a detailed reply and also indicate as to what steps have been taken pursuant to passing of order dated 11.2.2022 in CRM-M-4051 of 2022 and as to how the State reconciles the fact

that the petitioner is stated to be involved on the same date and time in two different States.”

3. Reply on behalf of the State has been filed, which is taken on record. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has joined investigation and is not required for any custodial interrogation.
4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 11.05.2022 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

08.12.2022

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(GURVINDER SINGH GILL)
JUDGE

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