

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M-21426-2022  
Date of decision:23.08.2022

Rohit

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MR.JUSTICE VIKAS BAHL**

Present: Mr. Prateek Rathee, Advocate for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

**VIKAS BAHL, J. (ORAL)**

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.391 dated 05.10.2021 registered under Sections 120-B, 307, 379-B, 392, 397, 201 IPC and Sections 25, 54, 59 of the Arms Act at Police Station Nissing, District Karnal.

On 18.05.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

*“The petitioner has approached this Court under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in case FIR No.0391 dated 05.10.2021 under Sections 120-B, 307, 379-B, 392, 397, 201 of the Indian Penal Code, 1860 and Sections 25, 54, 59 of the Arms Act, registered at Police Station Nissing, District Karnal.*

*Learned counsel appearing on behalf of the petitioner submits that the FIR in question was registered for an act of alleged robbery having been committed by three persons who are identified by the police as one Vikas alias Kashu; Ankur alias Rinku and one Surinder. He contends that two of the persons, namely, Vikas alias Kashu and Ankur alias Rinku had been arrested by the police and therefore, disclosure statement was recorded on 12.10.2021, however, name of the petitioner did not figure in the said statement. Thereafter, a second disclosure statement of the said arrested accused persons was*

*recorded, wherein it was told by them that the weapons used by them had been arranged through the petitioner and that they had sourced the said weapons from one Tayyab son of Roshan Mev, resident of Nangla Uttavar, Police Station Kosi, District Mathura, U.P. He contends that there is no participation in so far as the petitioner is concerned in the commission of the offence of robbery or firing any shot. Besides, no fact is to be discovered from the interrogation of the petitioner inasmuch as the second disclosure statement itself states the source from where the weapon in question had been arranged i.e. Tayyab son of Roshan Mev. He further undertakes to join the investigation as and when required to do so.*

*Notice of motion.*

*Mr. Amit Aggarwal, D.A.G., Haryana, who is present in the Court accepts notice on behalf of the respondent-State.*

*To come up for further consideration on 23.08.2022.*

*In the meanwhile, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.*

*May 18, 2022*

*(VINOD S. BHARDWAJ)  
JUDGE”*

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from SI Shree Bhagwan, has submitted that the petitioner has joined investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 18.05.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the

interim order dated 18.05.2022 is made absolute.

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 petition.

(VIKAS BAHL)  
JUDGE

August 23, 2022  
*ishwar singh*

|                             |        |
|-----------------------------|--------|
| Whether speaking / reasoned | Yes/No |
| Whether reportable          | Yes/No |