

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-26910 of 2021
Date of Decision:17.02.2022

Mohit Dalal and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Rakesh Nehra, Senior Advocate, with
Mr. Atul Ravish, Advocate,
for petitioner no.2.

Mr. Neeraj Poswal, AAG, Haryana

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

On 27.10.2021 the following order had been passed by this court:-

“Case heard via video conferencing.

By these petitions, the petitioners seek the concession of 'prearrest bail', upon FIR No. 153 having been registered at Police Station Sector-6, Bahadurgarh, District Jhajjar, on 17.05.2021, alleging therein the commission of offences punishable under the provisions of Sections 188/34/380/454 of the IPC.

The petitioners in CRM-M-26910-2021 having been ordered to be admitted to interim bail on 14.07.2021, with a “similar order” having been passed in the other petition on 14.10.2021, today, learned State counsel, on instructions from ASI Pawan, submits that as regards petitioners Mohit Dalal, Ashwani Rathee and Mohit, their custodial interrogation is not required. As regards petitioner no. 2 in

CRM-M-26910 of 2021, i.e. Amit Dalal, though he has joined investigation along with the others, he is not cooperating, inasmuch as he is not disclosing the names of the persons from whom he had got the car in question opened.

He thus submits that other than him, custodial interrogation of the other three petitioners is not required.

Consequently, as regards petitioner no. 1 in CRM-M-26910-2021, i.e. Mohit Dalal, and the petitioners in CRM-M-43960 of 2021, i.e. Ashwani Rathee and Mohit, these petitions have been rendered infructuous and are disposed of as such.

However, if the aforesaid petitioners' custodial is required at any stage hereinafter, in the context of the FIR in question, they would be given 10 days notice before arrest, duly shown to be served upon them.

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, she would be always at liberty to avail of her remedy as per law.

However, as regards petitioner no. 2 in CRM-M-26910-2021, i.e. Amit Dalal, a gazetted officer is directed to file a reply to the petition.

CRM-M-26910-2021 stands adjourned to 22.11.2021 only qua petitioner no. 2.

Interim order in respect of that petitioner to continue, till the next date of hearing.

A photocopy of this order be placed on the file of the other connected case. ”

Thereafter, though as per the reply of the DSP, Bahadurgarh, dated 18.11.2021, it has been stated that the complainant may try to pressurise the witnesses and therefore the petition deserves to be dismissed, learned senior counsel appearing for them (effectively petitioner no.2) points to the fact that even

as per the said reply, all that was to be recovered from the petitioners has been recovered and consequently there would be no reason to deny them the concession of bail, with learned State counsel also submitting that as per his instructions from the investigating officer, i.e. ASI Rajesh Kumar, the car that was alleged to have been stolen has also been recovered, with the custodial interrogation of petitioner no.2 not required.

That being so, the petition is allowed, with the orders passed earlier admitting the petitioners to interim bail made absolute on the same terms and conditions.

February 17, 2022
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No