

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27374-2022

Date of decision : 22.08.2022

Salim

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Jitender Nara, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

PANKAJ JAIN, J. (ORAL)

At the time of preliminary hearing, the following order was
passed:-

“CRM-22213-2022

Allowed as prayed for.

MAIN CASE

Instant petition has been filed under Section 438 of the Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.335, dated 01.06.2022 under Sections 307, 452 and 506 read with Section 34 of IPC and Section 25 of the Arms Act, 1959, registered at Police Station Shivaji Colony, District Rohtak.

Learned counsel appearing on behalf of the petitioner inter alia contends that as per the case of the prosecution, a pistol was handed over by co-accused Ravi to the petitioner, however, the said pistol has not been used in the incident in question and as a matter of fact, recovery of the fire-arm has already been effected

from co-accused Ravi. He further contends that the petitioner had been regularly appearing before the investigating agency, however, the prosecution is now opposing the petition on the ground that during the course of investigation, the petitioner has stated about having received a weapon from the said co-accused Ravi. He further submits that there was no occasion or reason for the petitioner to have made any such statement, especially given the fact that the said weapon was not used anywhere and moreover, it is not the allegation in the FIR that both the persons were armed with weapons. He further contends that the petitioner has no other criminal antecedents and that he undertakes to join the investigation as and when called up to do so.

Notice of motion.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana who is present in Court, accepts notice on behalf of respondent-State and seeks time to complete instructions.

Adjourned to 22.08.2022.

In the meanwhile, the petitioner is directed to join the investigation within a period of one week from today and upon his doing so, he shall be released on interim bail subject to the satisfaction of the Investigating/Arresting Officer. However, the petitioner shall continue to join investigation as and when called upon to do so and shall also abide by the terms and conditions as envisaged under Section 438(2) of the Cr.P.C. ”

2. Today, learned State counsel upon instructions from PSI Krishan, has stated that pursuant to the order dated 24.06.2022, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 24.06.2022 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
4. This petition stands disposed off.

(PANKAJ JAIN)
JUDGE

22.08.2022
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No