

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(225)

CRM-M-35468-2022

Date of decision: - 29.09.2022

Babuddin

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Munfaid Khan, Advocate, for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.328 dated 07.05.2022, registered under Section 13(1) of the Haryana Govansh Sanrakshan and Gosamvardhan Act, 2015; Section 25 of the Arms Act, 1959 and Sections 147, 149, 429 IPC at Police Station Sector 58, District Faridabad.

On 10.08.2022, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“Through this petition under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to the petitioner in FIR No.328 dated 07.05.2022 registered under Section 13(1) of the Haryana Govansh Sanrakshan and Gosamvardhan Act, 2015; Section 25 of the Arms Act, 1959 and Sections 147, 149, 429 IPC at Police Station Sector 58, District Faridabad.

Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in this case; there is no material or independent witness supporting the case of the prosecution; petitioner is the resident of Village Teekri Kheda whereas the incident

occurred in the jungle of Bazupur and the petitioner has no concern with the recovery effected from the said jungle. Learned counsel further contends that co-accused of the petitioner, namely, Sajid has already been granted anticipatory bail by this Court vide order dated 13.07.2022 passed in CRM-M-26265 of 2022 – Sajid v. State of Haryana. Petitioner is ready to join the investigation.

Notice of motion.

Mr. Dhruv Sihag, Assistant Advocate General, Haryana, accepts notice on behalf of the State.

List on 26.09.2022.

In the meantime, petitioner is directed to appear before the Investigating/Arresting Officer to join investigation and in the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on ad interim bail subject to his satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.

(ASHOK KUMAR VERMA)
JUDGE

August 10, 2022"

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

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

Keeping in view the abovesaid facts and circumstances more so, the facts which have been noticed in abovesaid order dated 10.08.2022 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 10.08.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final 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.

September 29, 2022
naresh.k

(VIKAS BAHL)
JUDGE

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