

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(202)

CRM-M-40654-2021 (O&M)
Date of decision: - 14.02.2022

Rajesh Kumar

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Navmohit Singh, Advocate, for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

(Through Video Conferencing)

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.140 dated 02.07.2021, under Sections 380, 457 and 511 of the Indian Penal Code, 1860, registered at Police Station Titram, District Kaithal.

On 05.10.2021, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“CRM-32804-2021

Instant application has been filed seeking permission to amend the petition as inadvertently offence has been wrongly mentioned.

For the reasons given in the application, it is allowed.

Petitioner is permitted to amend the petition.

Amended petition is taken on record.

CRM-M-40654-2021 (O&M)

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.140 dated 02.07.2021, registered for offences under Sections 380, 457 and 511 of the Indian Penal Code, 1860, at Police Station Titram, District Kaithal (Annexure P-1).

Counsel for the petitioner contends that the petitioner has been falsely framed on the allegation that he was trying to commit theft of the goods from a truck impounded by the Excise and Taxation Department, whereas the petitioner was covering the truck with a tarpaulin. He submits that the petitioner, who has a clean past, is ready to join the investigation and co-operate with the Investigating Agency.

Notice of motion.

On asking of the Court, Mr. Kuldeep Tiwari, Additional Advocate General, Haryana accepts notice on behalf of the respondent-State.

List on 14.02.2022.

Meanwhile, the petitioner shall join the investigation and would appear as and when called for by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

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 ASI Sukhbir Singh, has submitted that the petitioner has joined the investigation and is not required for further investigation.

Keeping in view the fact that the petitioner has joined the investigation and is not required for further investigation and the facts noticed in order dated 05.10.2021, the present petition for grant of

anticipatory bail to the petitioner is allowed and the interim order dated 05.10.2021 is 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.

Pending application, if any, stands disposed of.

February 14, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes