

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-38315-2022
Date of Decision: 29.11.2022

ASLAM

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Sarfraj Hussain, Advocate
for the petitioner.

Mr. Amrik Narwal, D.A.G., Haryana.

HARSH BUNGER, J. (ORAL)

Prayer in the present petition filed under Section 438 Cr.P.C is for grant of concession of anticipatory bail to the petitioner in case FIR No.124 dated 24.08.2021 registered under Sections 186, 332, 353, 427, 506/34 of Indian Penal code, 1860 and Section 25 of the Arms Act, 1959 at Police Station Bichhor, Nuh, Haryana.

On 26.08.2022, the following order was passed by Co-ordinate Bench of this Court :-

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, Aslam, who has been booked for having committed the offences punishable under Sections 186, 332, 353, 427, 506 & 34, IPC and Section 25 of the Arms Act, 1959, in a case arising out of FIR No.124, dated 24.08.2021, registered at Police Station Bichhor, Nuh, Haryana.

Learned counsel for the petitioner submits that the allegations mentioned in the FIR seems to be highly

improbable because it does not describe any reason of doing misbehavior with the police party by the petitioner or any other accused. He further contends that it is not case of the police that accused persons were found drunk. In the absence of involvement of the petitioner, in any other case or such incident, there is no probability that he would start fighting with the police team that too patrolling party during night. Learned counsel for the petitioner further submits that just to make the case non-bailable, Sections 332 and 506 IPC and Section 25 of the Arms Act have been introduced in the FIR. The petitioner is a young boy, aged about 22 years and for an improbable version, if he is lodged in jail, chances of reformation would also not be there.

Notice of motion.

On the asking of the Court, Mr. Vikas Bhardwaj, Additional Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondent-State and prays for some time to seek instructions.

Adjourned to 09.11.2022.

In the meanwhile, the petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the conditions laid down under Section 438(2), Cr.P.C.”

Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation and his custodial interrogation is not required for investigation of the case.

Learned State counsel, on instructions from Sub Inspector Tek Chand, does not dispute the aforesaid fact.

In view thereof, the present petition is disposed of and the interim order dated 26.08.2022 passed by this Court is made absolute.

November 29, 2022

gurpreet

(HARSH BUNGER)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No