

CRM-M-52056-2021

Date of Decision:15.02.2022

Yogesh Gautam

.....Petitioner

Vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGHPresent: Mr. Mazlish Khan, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)Case heard *via* video conference.

On 14.12.2021, the following order had been passed by this court:-

“By this petition, the petitioner seeks the concession of 'pre-arrest bail', upon FIR No. 410 having been registered at Police Station Asaudha, District Bahadurgarh, on 19.11.2021, alleging therein the commission of offences punishable under the provisions of Sections 379/511/34 of the IPC.

Learned counsel for the petitioner submits that other than an alleged disclosure statement made in police custody by a co-accused, there is no other evidence to show that the petitioner was in any manner involved in the commission of the offence.

Notice of motion.

On the asking of the court, Mr. Neeraj Poswal, A.A.G., Haryana, accepts notice on behalf of the respondent-State.

A copy of the application be handed over to learned State counsel by counsel for the petitioner today itself.

Adjourned to 15.02.2022.

In the meanwhile, without making any comment on the actual merits of the case, upon the petitioner joining investigation within one week, in case he is sought to be arrested, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with the conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this court”

Today, learned State counsel submits, on instructions from HC Virender, that the petitioner having joined investigation, his custodial interrogation is not required.

That being so, without making any comment on the actual merits of the case and even in terms of the judgment of the Supreme Court in M.C. Abraham v. State of Maharashtra, (2003) 2 SCC 649, the petition is allowed, with the order dated 14.12.2021 made absolute, on the same terms and conditions.

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

February 15, 2022

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO