

CRM-M-12696-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(209)

CRM-M-12696-2023

Date of decision:- 18.07.2023

Satpal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Raj Kapoor Malik, Advocate for the petitioner.

Mr. Munish Sharma, DAG, Haryana.

...

SUVIR SEHGAL, J. (Oral)

1. On 15.03.2023, this Court passed the following order:-

“This is a petition under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in case FIR No.230, dated 10.06.2022, under Sections 186, 332, 342, 353, 379-A, 506 and 34 of the IPC, registered at Police Station Badshahpur, District Gurugram.

Learned counsel for the petitioner contends that the petitioner was not initially named in the FIR but has been roped in on the basis of disclosure statement of the co-accused and in fact nothing is there, which is to be recovered from the possession of the petitioner, even as per the version of the FIR, if taken to be plausible truth. He also points out that the other three co-accused persons have already been granted the concession of regular bail by the trial Court.

Notice of motion.

On the asking of the Court, Mr. Gagandeep Singh Chhina, AAG, Haryana accepts notice on behalf of the respondent-State, who states that the investigation in the present case is complete and challan has already been filed and also does not controvert the fact that nothing is to be recovered from the possession of the petitioner, as the case pertains to snatching of one mobile phone alone, which already stands recovered from the other co-accused.

*Looking into the totality of facts and circumstances and the fact that the other three co-accused persons have been granted the concession of regular bail by the trial Court added with the fact that investigation in the present case is complete and challan already stands presented before the trial Court, the petitioner is directed to be released on interim bail subject to the satisfaction of Arresting Officer/Investigating Officer, on his joining investigation as and when called for and cooperate in investigation and also shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.
Adjourned to 18.07.2023.”*

2. Upon instructions received from SI, Balraj, State counsel submits that petitioner has joined the investigation, cooperated with the investigation process and is no longer required for custodial interrogation.
3. In view of the above, but without commenting upon the merits of the allegations, petition is allowed. Order dated 15.03.2023 is made absolute subject to satisfaction of conditions laid down under Section 438 (2) of the Code of Criminal Procedure.

18.07.2023
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No