

206

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-23524 OF 2023 (O & M)
DATE OF DECISION : 01.08.2023****Ashutosh****...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MR. JUSTICE ARUN MONGA****Present :** Mr. Raj Kumar Chandana, Advocate,
For the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

ARUN MONGA, J. (ORAL)

Present petition has been filed under Section 438 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to the petitioner in case FIR No.0150 dated 17.03.2023, registered under Sections 308, 323, 427, 452, 506 of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station Sonipat City, District Sonipat.

2. Learned counsel for the petitioner submits that pursuant to earlier order dated 31.05.2023 passed by this Court, petitioner has joined investigation and has fully co-operated in the same.

3. On a Court query, learned State counsel per his instructions from SI Sanjay submits that though petitioner has joined investigation but upon interrogation he has not disclosed the whereabouts of co-accused, which as per prosecution, are known to him.

4. Learned counsel for the petitioner submits that as per prosecution's own version, the other co-accused are stated to be currently residents of Delhi. Learned State counsel does not controvert to same.

5. In the premise, I am of the view that petitioner who is concededly resident of Ghaziabad, has no knowledge of whereabouts of co-accused and

other than that, he has fully co-operated and whatever questions were put to him in the course of investigation, have been duly answered by him.

6. In the over-all premise, since the petitioner had already joined investigation, I am of the view that merely because of non-disclosure of whereabouts of his co-accused, knowledge of which is denied by the petitioner, is not a reason enough to seek custodial interrogation of the petitioner.

7. As an upshot of the above, instant petition is allowed. Order dated 31.05.2023 granting interim anticipatory bail to the petitioner is made absolute, subject to petitioner’s complying with provisions under Section 438(2) Cr.P.C.

5. Pending application(s), if any, shall also stand disposed of.

AUGUST 01, 2023
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No