

207

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

**CRM-M-28022-2022
Date of Decision: 09.01.2023**

Mustakeem

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Vikas Kumar Rana, Advocate for
Mr. Saleem Ahmed, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

HARSH BUNGER J.

The present petition under Section 438 Cr.P.C. has been filed for grant of anticipatory bail to the petitioner in case FIR No.530 dated 02.12.2021 (Annexure P-1), under Section 307 IPC read with Section 34 IPC (Section 307 IPC deleted and Section 285 IPC added, later on) and Section 25 of the Arms Act, registered at Police Station Sadar Nuh, District Nuh.

On 11.07.2022, the following order was passed by this Court :-

“Apprehending his arrest in the criminal case pertaining to the FIR bearing No.530 dated 02.12.2021 registered at Police Station Sadar Nuh, District Nuh, under Section 307 read with Section 34 IPC as well as Section 25 of the Arms Act wherein the

offence under Section 307 IPC is stated to have been deleted and the offence under Section 285 IPC is stated to have been added later-on, the petitioner has moved this petition for seeking the relief of anticipatory bail.

Learned counsel for the petitioner, inter-alia, contends that now the offence under Section 307 IPC has been dropped in the present case and even otherwise, as per the allegations as levelled by the complainant in the subject FIR, these were the co-accused of the petitioner, namely, Isha and Aslam who had fired gun shots upon him (complainant) and the only role attributed to the petitioner in the occurrence in question is that he was accompanying his above-said coaccused and moreover, the petitioner is not involved in any other criminal case of the similar nature and is ready to join in the investigation as and when required to do so.

Notice of motion.

Ms. Ambika Sood, learned Additional Advocate General, Haryana, who has appeared in this case in pursuance of the copy of the present petition having been sent to the respondent-State in advance, accepts the notice and seeks some time to get proper and complete instructions in this matter from the quarter concerned and if deemed necessary, then to file status-report.

Adjourned to 12.09.2022.

Meanwhile, in the event of his arrest, the petitioner shall be released on interim bail subject to his furnishing the requisite personal as well as surety bonds to the satisfaction of the Arresting/Investigating Officer concerned.

However, the petitioner shall join in the investigation as and when required/called upon to do

so and he shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submits that pursuant to the aforesaid order, petitioner has joined the investigation.

Learned State counsel, on instructions from S.I. Satya Narayan, has not disputed the aforesaid fact of joining the investigation by petitioner and submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, the present petition is allowed and the *ad-interim* order dated 11.07.2022, passed by this Court, is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

09.01.2023

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No