

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

**CRM-M-30224-2023 (O&M)
Date of decision : 31.07.2023**

Sohel

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Azad Khan, Advocate for the petitioner.

Mr. Kiran Pal Singh, DAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.229 dated 29.08.2022, under Sections 148, 149, 323, 285, 379(A), 506 of the Indian Penal Code, 1860 (*for short 'the IPC'*) (Sections 395, 397, IPC and Section(s) 25/54/59 of the Arms Act added later on), registered at Police Station Pinangwan, District Nuh.

(2) It transpires that above FIR was registered on the basis of statement made by complainant-Rajesh Soni to the effect that on 29.08.2022

at about 6:30 PM, accused Abhishek Soni, Gurri @ Kana along with 6-7 persons trespassed into his Jewellers Shop and a bag containing silver ornaments was snatched from him on pointing out a country made pistol. On raising alarm, one Bhim Singh Soni and Sanjay @ Billu, Sarpanch reached at the spot. One of the assailants was apprehended at the spot, who disclosed his name as Ahsan, and also disclosed the name of petitioner as one of the assailants. While fleeing away, remaining assailants intimidated them with dire consequences and one of them also fired a shot. The mobile phone of one of the assailants had fallen at the spot. Later on, accused Abhishek & Shokeen were arrested and they got recovered country made pistol etc.

(3) This Court, vide order dated 12.06.2023, granted interim bail to petitioner and the same reads as under:-

“Contends, inter-alia, that petitioner was juvenile on the date of alleged occurrence and moreover, he was not named in the FIR.

Notice of motion

Mr. Kiran Pal Singh, AAG, Haryana, accepts notice and seeks time to have instructions in the matter.

Posted on 31.07.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

(4) Learned counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

(5) The above factual position is duly acknowledged by learned State Counsel, on instructions from the police official concerned and further stated that custodial interrogation of the petitioner is not required at this stage.

(6) In view of above, interim order dated 12.06.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(7) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(8) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

(9) Disposed off accordingly.

July 31st, 2023
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(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>