

CRM-M-32316-2022

Date of decision: 16.03.2023

Mehfooj @ Mahfooj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**Present:** Mr. Parveen Sharma, Advocate for the petitioner.Ms. Gaganpreet Kaur, AAG, Haryana
with ASI Anil Kumar.

Mr. Amit Siwach, Advocate for the complainant.

NAMIT KUMAR, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case bearing FIR No.417 dated 12.09.2018 under Sections 379/430 of the Indian Penal Code, 1860 registered at Police Station Rai, District Sonapat.

On the last date of hearing i.e. 08.02.2023 it was pointed out that although the petitioner has joined the investigation, however, his presence is still required for two poplin machines meant for digging soil.

Learned counsel for the petitioner submits that the petitioner is a *dhaba* owner and the said machines do not belong to him and neither they are in the possession of the petitioner.

The Investigating Officer, who is present in the Court has not been able to explain as to why presence of the petitioner is still required. Since the petitioner has already joined the investigation, the interim order dated 08.09.2022 is made absolute subject to compliance of conditions as envisaged under Section 438 (2) Cr.P.C.

The present petition stands disposed off.

16.03.2023

Parveen kumar

**(NAMIT KUMAR)
JUDGE**Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No