

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

**CRM-M-37383-2023 (O&M)
Date of decision : 05.09.2023**

Nitin Sharma

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Devender Arya, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, 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.0283 dated 20.07.2023, under Section 436 of the Indian Penal Code, 1860, registered at Police Station Furrukhnagar, District Gurugram.

(2) Above FIR was registered on the basis of statement made by complainant-Jatin with the allegations that on 19.07.2023 at about 03:00 AM, when he along with his family members was sleeping, they observed that somebody has set the gate of their house ablaze. Upon checking the CCTV footage, it was surfaced that two young boys sprinkled the petrol/diesel on

their Gate and set the same ablaze. During investigation, sister of the complainant got recorded her statement to the effect that she became friend of petitioner through Instagram; but after sometime, he started harassing her continuously by calling upon her mobile phone continuously.

(3) This Court, vide order dated 02.08.2023, granted interim bail to petitioner and the same reads as under:-

“Contends inter alia that petitioner is having live-in-relationship with the sister of complainant; thus, he has been falsely implicated in the present case.

Notice of motion.

On asking of the Court, Mr. Viney Phogat, DAG, Haryana accepts notice on behalf of the respondent and seeks time to have instructions and/or file written response in the matter.

Posted for 05.09.2023.

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 in the present case, till the next date of hearing, on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to 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) Learned State Counsel, on instructions, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.

- (6) In view of above, interim order dated 02.08.2023 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.

September 5th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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