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2023:PHHC: 076974

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40926-2022(O&M)

Date of Decision: 26.05.2023

NISAR ALI

..... PETITIONER

VS

STATE OF HARYANA

..... RESPONDENT

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. G.C.Shahpuri, Advocate for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

GURBIR SINGH, J. (ORAL)

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The prayer in the present petition filed under Section 438 Cr.P.C is for grant of anticipatory bail to the petitioner in case FIR No.60, dated 27.02.2022 under Sections 379, 411, 420, 120-B, 467, 468, 471 IPC registered at Police Station Sadhaura District Yamuna Nagar.

Vide order dated 08.09.2022, the following order was passed by this Court:-

“Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case bearing FIR No.60 dated 27.02.2022, registered under Sections 379, 411, 420, 120-B, 467, 468, 471 IPC, at Police Station Sadhaura, District Yamuna Nagar.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner was neither named, nor he was apprehended from the spot; that the petitioner was indicted in the present case on the disclosure statement of co-accused Naseem, who along with co-accused Prince and Irfan Ansari, was apprehended at the spot; that the recovery has already been effected and nothing is to be recovered from the

petitioner and that the authenticity of the bills produced by the co-accused is yet to be established.

Notice of motion for 13.01.2023.

Meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure. However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police. ”

Learned State counsel, on instructions from ASI Rohan submits that in compliance of the order dated 08.09.2022, the petitioner has already joined the investigation and he is not required for any custodial interrogation.

In view of above, the order dated 08.09.2022 granting interim bail to the petitioner, is made absolute. The petitioner shall abide by the conditions as laid down under Section 438(2) Cr.P.C. in letter and spirit.

Petition is disposed of accordingly.

(GURBIR SINGH)
JUDGE

26.05.2023
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>