

4. During the course of hearing, on 05.10.2023, the following order was passed:-

“The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail pending trial to the accused/petitioner in case FIR No.7 dated 07.07.2023 under Sections 3 and 4 RP (UP) Act, 1966 registered at P.S. RPF, Gurugram.

2. *It is, inter alia, contended by learned counsel for the petitioner that the petitioner, being scrap dealer, has been falsely implicated in this case. Learned counsel for the petitioner further submits that as per the version of prosecution, the petitioner is said to have purchased articles, being scrap dealer, not aware about the ownership thereof which were taken by the accused Sakir, Akshay and Firoz to one Sahid, wherefrom the recovery of the articles have already been effected. He further submits that the name of the petitioner has surfaced on the basis of disclosure statement made by the aforesaid accused. Learned counsel for the petitioner contends that the recovery of the articles has already been effected and as per the case put forth by the respondents, the total value of the property is Rs.36,000/- and the petitioner is ready to join the investigation.*

3. *Per contra, the learned counsel for the respondent No.2- Union of India contends that the same is stolen property belonging to the railways and as such he is not entitled to concession of anticipatory bail. She further contends that another case is also pending qua the petitioner on similar allegations.*

4. *Considering the respective submissions and without commenting on the merits of the case, the petitioner is directed to join investigation within seven days from today and in the event of arrest of the petitioner, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C. The petitioner is also directed to deposit amount of Rs.36,000/- in the Court of Chief Judicial Magistrate, Gurugram, which will be kept in Court subject to the final outcome of the trial.*

5. *Adjourned to 31.10.2023.*”

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 05.10.2023 passed by this Court, interim bail granted vide order dated 05.10.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further, the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

5. The petition stands allowed.

6. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

October 31, 2023
manisha

(SANJIV BERRY)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |