

216

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

CRM-M-41412-2023 (O&M)

Date of decision : 17.10.2023

Sajid

...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. Ashok S. Chaudhry, Addl.A.G., Haryana,
assisted by ASI Tek Chand.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.126 dated 04.04.2022, under Sections 34 & 411 of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station Ferojpur Zhirka, District Nuh.

2. Allegations against the petitioner are of stealing 150 LED television sets and hiding along with the boundary walls of a vacant plot.

3. This Court, on 22.08.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Contends inter alia that petitioner has been nominated on the basis of disclosure of co-accused after a period of one month from the date of registration of the

FIR and there is no other criminal case pending against him.

Notice of motion.

On asking of the Court, Mr. Kiran Pal Singh, AAG, Haryana accepts notice on behalf of the respondent and seeks time to have instructions and/or file written response in the matter.

Posted for 19.09.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of arrest, the Arresting Officer would admit him to interim bail in the present case, till the next date of hearing, on 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. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.
5. Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.
6. In view of above, interim order dated 22.08.2023 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.

17.10.2023
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No