

CRM-M-43755-2023 (O&M)

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214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43755-2023 (O&M)
Date of decision : 23.11.2023

Javed Abbasi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. P.S.Chauhan, Advocate, for the petitioner.

Mr. Ashok Singh Chaudhry, Addl. A.G., Haryana,
for the respondent.

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.409 dated 13.12.2020, under Section 392 of the Indian Penal Code, 1860, and Section 25 of the Arms Act, 1959, (Sections 397, 411, 341, 201 and 34 of the IPC were added later on), registered at Police Station Dharuhera, District Rewari.

2. Above FIR was registered on the basis of statement made by one Dr. Sunil Raguvanshi with the allegations that petitioner along with his companion snatched Rs.18,000/- and two mobile phones on gun point.

3. This Court, on 06.09.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Learned State counsel seeks more time to file an affidavit regarding the complicity of petitioner in the present case.

Posted on 11.10.2023.

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, 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, and further stated that custodial interrogation of the petitioner is not required at this stage.
6. In view of the above, interim order dated 06.09.2023 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.
10. Pending application(s), if any, shall also stand disposed off.

23.11.2023
adhikari

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :
Whether Reportable :

Yes	No
Yes	No