

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

**CRM-M-51651-2022  
Date of Decision : 18.05.2023**

Vipin Tiwari

..... Petitioner

Versus

State of Haryana

..... Respondent

**CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

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Present : Mr. Aazam Khan, Advocate for  
Mr. Rakesh Kumar Sharma, Advocate  
for the petitioner.

Mr. Surender Singh, AAG, Haryana  
for the respondent-State.

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**VIKRAM AGGARWAL, J (ORAL)**

1. Prayer in the present petition preferred under Section 438 of the Code of Criminal Procedure is for the grant of anticipatory bail to the petitioner in case FIR No.457 dated 05.08.2022, registered under Sections 148, 149, 323, 379-B, 427, 452, 506 IPC (Sections 395, 397, 120-B and 384 IPC were added and Sections 148, 149, 379-B IPC were deleted lateron) and Section 25 of the Arms Act, 1959, at Police Station Palla, District Faridabad.

2. On 14.12.2022, the following order was passed by a Coordinate Bench of this Court:-

“Status report by way of an affidavit dated 28.11.2022 of Surender Sheoran, HPS, Assistant Commissioner of Police, Crime, Faridabad filed on behalf of respondent-State, is taken on record.

Through the instant petition, the petitioner seeks

anticipatory bail in case bearing FIR No.457 dated 05.08.2022, registered under Sections 148, 149, 323, 379-B, 427, 452 and 506 IPC; Sections 395, 397, 120-B and 384 IPC (added); Sections 148, 149 and 379-B IPC (deleted lateron) and Section 25 of the Arms Act, at Police Station Palla, District Faridabad.

Learned counsel for the petitioner submits that the petitioner has not been named in the FIR and has been indicted on the basis of the disclosure statement of the co-accused; that two motorcycles have already been recovered from the co-accused and that the complainant has now given an affidavit dated 14.09.2022 stating therein that the looted articles have already been recovered. He, thus, submits that no recovery is to be effected from the petitioner.

Learned State counsel submits that recovery of motor cycle is yet to be effected from the petitioner.

Learned counsel for the petitioner further submits that the petitioner has been indicted on the disclosure statement of the co-accused namely Rohit Sharma, who was a labourer and he has intentionally involved the petitioner in the present case. He further contends that there is no specific allegation against the petitioner.

Adjourned to 27.03.2023.

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) Cr.P.C.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police”

3. Learned counsel for the petitioner contends that in compliance of the said order dated 14.12.2022, passed by this Court, the petitioner has

joined investigation.

4. Learned counsel representing the respondent-State of Haryana, on instructions from Sub Inspector Umar Mohammad submits that in compliance of the order dated 14.12.2022, passed by this Court, the petitioner has joined investigation and his custodial interrogation is not required.

In view of the above, the present petition is allowed. The order dated 14.12.2022, granting interim bail to the petitioner, is made absolute.

(VIKRAM AGGARWAL)  
JUDGE

18.05.2023  
mamta

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |