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

**CRM-M-55064-2022  
Date of Decision: 28.03.2023**

Chhotu Singh

....Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**

Present : Mr. C.S. Jattana, Advocate  
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

**HARSH BUNGER, J. (Oral)**

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.166 dated 09.06.2022, registered under Sections 380, 457 of the Indian Penal Code (Section 411 IPC added later on), at Police Station Nathusari Chopta, District Sirsa.

On 29.11.2022 the following order was passed by Co-ordinate Bench of this Court :-

*“Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case bearing FIR No.166 dated 09.06.2022, registered under Sections 380, 457 IPC, (Section 411 IPC added later on), at Police Station Nathusari Chopta, District Sirsa.*

*Learned counsel for the petitioner submits that the petitioner was not named in the FIR; that the petitioner has been indicted in the present case on the disclosure statement of co-*

*accused Gopi Ram recorded on 01.11.2022; that the recovery has already been effected from the co accused and nothing is to be recovered from the petitioner and that as far as other cases are concerned, the petitioner is on bail.*

*Notice of motion for 28.03.2023.*

*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) 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 counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Lalit Kumar has not disputed the aforesaid fact of joining of investigation by the petitioner and submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 29.11.2022 passed by Co-ordinate Bench of this Court is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioner fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded

above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

28.03.2023  
Himani

(HARSH BUNGER)  
JUDGE

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |