

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-55452-2022

Date of Decision:-11.09.2023

Moin.

.....Petitioner.

Vs.

State of Haryana.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- None for the Petitioner.

Mr. Rajiv Goel, Deputy Advocate General, Haryana.

JASJIT SINGH BEDI, J.(ORAL)

On 30.11.2022 the following order was passed:-

“ The present petition has been filed under Section 438 Cr.PC for the grant of anticipatory bail to the petitioner in a case bearing FIR No.243 dated 06.05.2022 under Sections 379, 411, 120-B IPC registered at Police Station Sadar Nuh, District Nuh.

The Counsel for the petitioner at the very outset submits that the petitioner is ready and willing to get the recovery effected of all the electronic goods as per the investigation.

Notice of motion for 15.03.2023.

Mr. Neeraj Poswal, AAG Haryana accepts notice on behalf of State of Haryana.

In the meantime, petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of their arrest, they shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under

Section 438(2) Cr.PC:-

- (i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade them from disclosing such facts to the court or to any police officer;
 - (iii) that the petitioner shall not leave the country without prior permission to the Court and shall surrender his/their passport(s), if any.
- The learned State Counsel is directed to file a reply in

this matter on or before the next date of hearing.”

Thereafter the Counsel for the petitioner filed an adjournment slip on 15.03.2023 and on 16.03.2023 the interim order dated 30.11.2022 was vacated as this Court was informed that the petitioner had not joined investigation. Thereafter on 25.05.2023 none appeared for the petitioner. Similar is the situation today.

The Counsel for the State on the other hand contends that after the interim order was vacated on 16.03.2023 the petitioner had jointed the investigation on 14.03.2023 in furtherance of notice under Section 41. He therefore contends that no case for custodial interrogation is made out.

In view of the fact that the petitioner has already joined the investigation and not required the interim order dated 30.11.2022 is made absolute.

However, the petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

The Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

September 11, 2023
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No