

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

CRM M-54016-2023 (O&M)
Date of Decision: 04.12.2023

Jaspal Singh Petitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Lakhwinder Singh, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG Haryana
assisted by SI Radha Krishan.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No.88 dated 04.04.2023, registered under Sections 457, 380 & 411 IPC at Police Station Sadar Ratia, District Fatehabad.

2. Allegations in brief are that motor cycle of the complainant was taken away by co-accused, namely, Jagraj Singh. Petitioner has been nominated on the basis of disclosure made by said Jagraj Singh.

3. This Court vide order dated 30.10.2023, granted interim bail to petitioner and the same reads as under:-

“Contends that the petitioner has been nominated on the basis of disclosure made by co-accused, namely, Jagraj Singh, from whom recovery of alleged motorcycle has already been effected. Also contends that there is no other criminal case pending against the petitioner.

Notice of motion.

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

Posted for 04.12.2023.

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 shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

4. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, he joined investigation and his custodial interrogation is not required by the Police.
5. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of the petitioner is not required, at this stage.
6. In view of above, interim order dated 30.10.2023 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 criminal misc. application(s), if any, shall also stand disposed off.

04.12.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

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