

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

206

CRM-M-58015-2022

Date of Decision: 02.05.2023

Mohd. Tarif

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Mohammad Arshad, Advocate for the petitioner

Ms. Dimple Jain, AAG, Haryana
(assisted by H.C. Rajender Singh)

Mr. Sarfaraj Anjum, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

1. On 13.12.2022, the following order was passed:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.120 dated 06.05.2022, registered under Sections 323, 354-A, 452, 506, 34 IPC and 25 of Arms Act, at Police Station Uttawar, District Palwal.

Learned counsel for the petitioner has submitted that the petitioner is young boy of 18 years of age, who has been falsely implicated in this case. He submits that there was no allegation pertaining to use of any fire arm, however, thereafter with due deliberation the allegation that the petitioner was carrying country made pistol, was intentionally added only in order to implicate the petitioner in a serious offence. He submits that the petitioner has no criminal antecedents, however, it was falsely argued before the

learned Additional Sessions Judge that he is a habitual offender. He submits that in the facts and circumstances of the case, no case for custodial interrogation of the petitioner is made out, however, he is ready to join the investigation in case his prayer for anticipatory bail is considered.

Notice of motion for 31.03.2023.

Mr. B.S. Virk, Deputy Advocate General, Haryana accepts notice on behalf of the State.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

- (i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.*
- (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 so as to dissuade him from disclosing such facts to the court or to any police officer.*
- (iii) That the petitioner shall not leave India without prior permission of the court.”*

2. Learned State counsel, on instructions from H.C. Rajender Singh, submits that petitioner has joined investigation and no custodial interrogation is required.

3. In view of the above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 13.12.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

4. If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

02.05.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>