

CRM-M-56444-2023

211        IN THE HIGH COURT OF PUNJAB AND HARYANA  
                 CHANDIGARH  
                 CRM-M-56444-2023 (O&M)  
                 Date of Decision: 19.12.2023

HIMANSHU

...Petitioner

V/S

STATE OF HARYANA

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Parveen Kumar Rohilla, Advocate  
             for the petitioner.

Ms. Geeta Sharma, DAG Haryana.

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**HARPREET SINGH BRAR J. (Oral)**

1.        Through instant petition, the petitioner is seeking anticipatory bail in case FIR No. 42 dated 22.02.2023 registered under Sections 380 and 457 of Indian Penal Code at Police Station Rampura, District Rewari.
2.        On 08.11.2023, following order was passed:

*“The present petition has been filed under Section 438 of the Code of Criminal Procedure (hereinafter referred to as CR.P.C) for grant of anticipatory bail to the petitioner in FIR No.42 dated 22.02.2023 registered under Sections 380 and 457 of the Indian Penal Code, 1860 at Police Station Rampura, District Rewari.*

*Learned counsel for the petitioner inter alia contends that petitioner is not named in the FIR and is not connected in any manner with the alleged offence. Petitioner has been implicated only on the basis of the disclosure statement suffered by the co-accused while in police custody, which has no value in the eyes of law. The recovery of the stolen articles have already been made from the co-accused Balwan Singh. As such,*

*custodial interrogation of the petitioner is not required.*

*Notice of motion.*

*On the asking of Court, Mr. Gurmeet Singh, AAG Haryana, accepts notice on behalf of the respondent-State and opposes the prayer for grant of anticipatory bail to the petitioner.*

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352**, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 23.11.2023 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

*If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.*

*Adjourned to 19.12.2023.*

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

3. Learned State counsel on instructions from PSI Sanjay, submits that in compliance of order dated 08.11.2023 passed by this Court, the

petitioner has joined the investigation and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel the order dated 08.11.2023, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly allowed.

19.12.2023  
Ajay Goswami

(HARPREET SINGH BRAR)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No