

209 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
CHANDIGARH
CRM-M-58328-2023 (O&M)
Date of Decision: 20.12.2023

...Petitioner

...Respondent

Ms. Geeta Sharma, DAG Haryana.

HARPREET SINGH BRAR J. (Oral)

- Learned counsel for the petitioner inter alia contends that the petitioner is not named in the FIR and has been involved in the present case on the basis of disclosure statement made by co-accused. Co-accused, namely Robin and Wazid have already been granted anticipatory bail by this Court vide order dated 09.08.2022.*

Notice of motion.

On the asking of the Court, Mr. Gurmeet Singh, AAG, Haryana puts in appearance and accepts notice on behalf of the respondent-State.

*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; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 28.11.2023 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 20.12.2023.

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 has filed the status report dated 16.12.2023 by way of affidavit of Priyanshu Dewan, HPS, Assistant Commissioner of

Police, Sohna, Gurugram and on instructions from SI Dharambir, submits that in compliance of order dated 20.11.2023 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 20.11.2023, 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.

20.12.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No