

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

CRM M-3389-2024 (O&M)
Date of Decision: 04.03.2024

Sahil Khan

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Saleem Ahmed, Advocate,
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana
assisted by ASI Somvir.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for seeking pre-arrest bail in FIR No.159 dated 06.04.2023 registered under Sections 323, 341 & 506 read with Section 34 IPC (Sections 148, 341, 506, 379-B, 307, 120-B & 395 read with Section 149 IPC added later on) and (Section 379-B IPC deleted later on), at Police Station, City Sohna, District Gurugram.

2. Allegations against the petitioner are that he along with co-accused Dilshad, Shabaj, Armaan, Aatis & Arbaj formed an unlawful assembly and in prosecution of their common object, caused injuries to complainant- Bhanu @ Bhanu Partap Singh and snatched his gold chain.

3. Learned counsel contends that petitioner is not named in the FIR. Also contends that no injury has been attributed him. Further contends that in pursuance of the interim order dated 30.01.2024, he has joined investigation and his custodial interrogation is not required by the Police.

4. 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.

5. Heard learned counsel for the parties and perused the paper-book.

6. This Court vide order dated 30.01.2024, granted interim bail to petitioner and the same reads as under:-

“Contends inter alia that co-accused with similar allegations has already been granted concession of interim pre-arrest bail by this Court vide order dated 15.12.2023 passed in CRM-M-61938-2023.

Notice of motion.

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

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 Code of Criminal Procedure, 1973.

To be heard along with CRM-M-61938-2023.”

In view of the above, interim order dated dated 30.01.2024 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 be not construed as an expression of opinion on merits of the case; rather confined only to decide the present bail application.

9. Disposed off accordingly.

10. Pending criminal misc. application(s), if any, shall also stand disposed off.

04.03.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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