

CRM-M-4490-2024
Date of Decision:10.04.2024

...Petitioner

Versus

...Respondent

Present:- Mr. Nandan Jindal, Advocate with
Mr. Tushar Sabherwal, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

1. Prayer in the present petition has been filed under Section 438 of the Code of Criminal Procedure seeking anticipatory bail in FIR No.0002 dated 01.01.2024 registered under Sections 34, 379-B, 452 of Indian Penal Code, 1860 at Police Station City Tohana, District Fatehabad.

2. On 16.02.2024 the following order was passed by a Co-ordinate Bench of this Court:-

- “1. Learned State counsel seeks time to file response in the matter.
2. Posted for 10.04.2024.
3. 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.”

3. Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

4. Learned State counsel has not disputed the aforesaid fact of joining of investigation by the petitioner and submits that his custodial interrogation is not required at this stage.

5. Heard learned counsel for the parties.

6. Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 16.02.2024 passed by a Co-ordinate Bench of this Court is made absolute.
7. However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.
8. It is made clear that if the petitioner fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.
9. Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.
10. The petition is accordingly disposed of.

April, 10.2024
himanshu

(HARSH BUNGER)
JUDGE

Whether reasoned/speaking:	Yes/No
Whether reportable:	Yes/No