



CRM M-8332-2024 (O&M)
Date of Decision: 22.04.2024

Versus

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Mr. Vikram Singh, AAG, Haryana
assisted by HC Devender Singh.

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.32 dated 18.01.2024 registered under Sections 379, 411 and 120-B read with Section 34 IPC, at Police Station, Sector 56, Gurugram.

2. Petitioner along with co-accused Kuldeep Singh and Rohtash is alleged to have stolen 25 bundles of steel valuing Rs.1,70,000/- from SCO No. 1617, Sector 57, Part-I, Gurugram.

3. Learned counsel contends that petitioner is not named in the FIR; rather nominated on the basis of disclosure made by co-accused Kuldeep Singh who has been granted the concession of bail by learned Judicial Magistrate First Class, Gurugram vide order dated 02.02.2024. Also contends that recovery of alleged stolen articles has already been effected from co-accused Kuldeep Singh. Further contends that petitioner was granted interim bail vide order dated 23.02.2024 and in pursuance thereof, he has joined investigation; thus, his custodial interrogation is not required.



4. Learned State counsel has acknowledged the factum of joining investigation by the petitioner. It is also acknowledged that custodial interrogation of petitioner is not required.

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

6. This Court vide order dated 23.02.2024, granted interim bail to petitioner and the same reads as under:-

“Learned State counsel seeks more time for filing response in the matter.

Purely in the interest of justice, posted for 22.04.2024.

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.”

7. In pursuance of the aforesaid order, concededly, petitioner has joined investigation. The recovery of stolen articles has already been effected from co-accused Kuldeep Singh who was granted bail by Judicial Magistrate First Class, Gurugram on 02.02.2024; hence, interim order dated 23.02.2024 is made absolute, subject to the conditions as envisaged under Section 438(2) Cr.P.C.

8. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

9. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

10. Disposed off accordingly.



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

22.04.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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