

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9371-2024
Date of decision: 20.03.2024

AkashPetitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Deep Singh, Advocate for
Mr. Krishan Singh, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.178 dated 01.08.2023 under Sections 148/149/323/325/307/506 of IPC (Section 25 of Arms Act added later on) registered at Police Station Radaur, District Yamuna Nagar, Haryana.

On 23.02.2024, the following order was passed:-

'The present petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.178 dated 01.08.2023 under Sections 148/149/323/325/307/506 of IPC (Section 25 of Arms Act added later on) registered at Police Station Radaur, District Yamuna Nagar, Haryana.

In view of the resolution passed by the Punjab and Haryana High Court Bar Association, there is no representation on behalf of the petitioner.

A perusal of the pleadings indicates that the petitioner is not named in the FIR and he has been nominated as an accused only on the basis of disclosure statement suffered by co-accused while in judicial custody which has no evidentiary value in the eyes of law and

the main accused has been granted the concession of regular bail by this Court vide order dated 18.12.2023 (Annexure P-3) passed in CRM-M-62683-2023 titled as 'Mintu @ Bintu Vs. State of Haryana.'

On receipt of advance notice, the learned State counsel appears and on instructions from SI Satish Kumar, submits that the petitioner is not involved in any other case and the Investigating Agency has already concluded the investigation and filed the final report on 04.10.2023.

*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 within two weeks from today 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/Arresting 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 Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 20.03.2024.

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.'

Learned State counsel on instructions from Inspector Mohinder Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 23.02.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

20.03.2024
Neha

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