

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-13133-2024
Date of decision: 22.05.2024

ISLAM ...PETITIONER

Versus

STATE OF HARYANA ...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Satish Chaudhary, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, DAG, Haryana.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR as under:

FIR No.	Dated	Section	Police Station
271	06.12.2023	379 and 188 of IPC	Pinagwan, District Nuh.

2. Learned counsel for the petitioner submits that in compliance to the order dated 14.03.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 14.03.2024.
3. Learned State counsel, on instructions from ASI Mool Chand intimates the Court that the petitioner has joined investigation and is neither required for further investigation nor for any custodial investigation.



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4. During the course of hearing on 14.03.2024 , following order was passed:

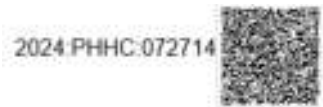
“1. Prayer in this petition filed under Section 438 of the Code of Criminal Procedure is for grant of anticipatory bail to the petitioner in case bearing FIR No.271 dated 06.12.2023, under Sections 188 and 379 of the Indian Penal Code, 1860, registered at Police Station Pinagwan, District Nuh.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is submitted that there is an unexplained delay of six days in lodging of the present FIR. It is submitted that no role has been attributed to the petitioner. Learned counsel submits that the recovery of vehicle and stolen articles has already been effected and there is nothing alleged to be recovered from the petitioner. Learned counsel submits that co-accused, namely Sallam, has already been granted the concession of anticipatory bail by a co-ordinate Bench of this Court vide judgment dated 12.02.2024 (Annexure P-1) passed in CRM-M-3084-2024. Learned counsel for the petitioner contends that the petitioner is not involved in any other case. It is submitted that the petitioner is ready and willing to join the investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.

3. Notice of motion.

4. At the asking of Court, Mr. Surender Singh, AAG, Haryana, who is present in Court, accepts notice on behalf of the respondent/State. He prays for an accommodation to seek instructions and file status report in the matter.

5. Learned counsel for the petitioner is directed to hand over a complete set of paper book of this case to learned State counsel during the course of the day.



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6. *List on 22.05.2024.*

7. *In the meantime, the petitioner is directed to join the investigation and co-operate fully in the investigation process; and in the event of his arrest, he be released on interim bail, subject to his furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) of the Code of Criminal Procedure. ”*

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 14.03.2024 passed by this Court, interim bail granted vide order dated 14.03.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The petition stands allowed.

7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

22.05.2024

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |