

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM-M-14163-2024  
Date of decision: 10.04.2024

FAKRU  
....PETITIONER  
  
VERSUS  
  
STATE OF HARYANA  
....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Afjal Hussain, Advocate for  
Mr. Imityaz Hussain, Advocate  
for the petitioner.  
  
Mr. Dhruv Sihag, AAG, Haryana.

\*\*\*\*\*

SANJIV BERRY, J.(ORAL)

Status report dated 05.04.2024 in the form of an affidavit of Deputy Superintendent of Police, Ferozepur Jhirka, District Nuh, has been filed. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. By way of present petition filed under Section 438 of Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

| FIR No. | Dated      | Sections                                                                                                                                                                  | Police Station      |
|---------|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| 205     | 13.06.2023 | 379, 188, 420 of IPC;<br>6 of the East Punjab Control of Bricks Supplies Act, 1949;<br>11 of Haryana Control of Bricks Supply Order, 1972 and<br>21 (1) of the Mining Act | Ferozepur<br>Jhirka |

3. Learned counsel for the petitioner submits that in compliance

CRM-M-14163-2024

2

to the order dated 19.03.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 19.03.2024.

4. Learned State counsel, on instructions from ASI Bhupender intimates that the petitioner had joined the investigation in the case and is no more required for any custodial investigation in this case nor he is required for further investigation.

5. During the course of hearing on 19.03.2024, following order was passed:

*“2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner is neither the proprietor nor he has any concern with the brick kiln and the liability, if any, is that of Aas Mohammad which in fact was given on lease by the father of the petitioner.*

*3. Notice of motion.*

*4. On the asking of the Court, Mr. Surender Singh, AAG, Haryana, present in Court, accepts notice on behalf of the State-respondent and prays for time to file the status report/reply in the matter.*

*5. Adjourned to 10.04.2024.*

*6. Needful be done well before the date fixed with an advance copy to the counsel opposite.*

*7. In the meanwhile, the petitioner is hereby directed to join investigation within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”*

CRM-M-14163-2024

3

6. Keeping in view the respective submissions made by learned State counsel and considering the fact that the petitioner had already joined the investigation and is no more required for further investigation nor he is required for any custodial interrogation, interim bail granted vide order dated 19.03.2024 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.

7. The petition stands allowed.

8. 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

10.04.2024

kanika

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