

212 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
 AT CHANDIGARH

CRM-M-16959-2024
Date of Decision: 18.04.2024

Rafik	vs.	...Petitioner
State of Haryana		...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Saleem Ahmed, Advocate, for the petitioner.
Ms. Sheenu Sura, DAG, Haryana

N.S.Shekhawat J. (Oral)

1. Status report by way of an affidavit of Deputy Superintendent of Police, Punhana, Nuh has been filed by learned State counsel in Court today and the same is taken on record.
2. The petitioner has filed the present petition under Section 438 of Cr.P.C., with a prayer to grant anticipatory bail to him in case FIR No.72 dated 28.04.2023, registered under Sections 419, 420, Section 25 Arms Act, 1959 later on added Sections 467, 468, 471, 204, 120-B of IPC, at Police Station Bicchor, District Nuh.
3. Learned counsel for the petitioner contends that on the basis of the secret information, Ansar, Iklash and Nisar were arrested by the police, while they were preparing to cheat the innocent persons by way of online fraud. Learned counsel for the petitioner further contends that during the course of investigation, Ansar, Iklash and Nisar had suffered their respective disclosure statements on 28.04.2023 and the petitioner was not named in the said statements. Later on, the second supplementary statements were recorded on 04.05.2023

and 06.05.2023 and the name of the petitioner was disclosed. He further contends that now Insar @ Ansar has been granted the concession of regular bail vide order dated 20.12.2023 passed in CRM-M-47603-2023 (Annexure P-7) and other co-accused Eklash and Nisar have been granted the concession of regular bail by the trial Court on 04.09.2023 (Annexure P-8). Thus, further incarceration of the petitioner will not serve any meaningful purpose.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. Learned State counsel submits that the petitioner is also involved in one more criminal case. However, he admits that the petitioner is on bail in the said case.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, at this stage the petitioner has been nominated as an accused on the basis of the second disclosure statments suffered by Ansar, Iklash and Nisar, however, the said accused have already been granted the concession of bail vide orders Annexures P-7 and P-8 respectively. Thus, the custody of the petitioner will not be required, at this stage.

7. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

(N.S.SHEKHAWAT)
JUDGE

18.04.2024.
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No