

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215

CRM-M-17844-2024
Date of decision: 30.04.2024

PRINCE KUMAR ALIAS VIPIN

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Ravi Rana, Advocate
for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

1. On the last date of hearing, i.e. 10.04.2024, the following order was passed:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.50 dated 16.03.2024, under Section 379 of the IPC, registered at P.S. Barara, District Ambala.

2. What emanates from the record available before this Court, is that, the present FIR was registered on a complaint made by one Vikas, on the allegations that, on 16.03.2024, at about 03:00 a.m., 2/3 unknown persons stole 10 pieces of iron rod, 04 pieces of iron jack and 02 pieces of iron pipes from his construction site. Although other thief(ves) fled away from the spot, however, the complainant with the help of his labourers caught one of the thieves, who revealed his name as Ajay. Based on the disclosure statement of co-accused Ajay, the petitioner came to be nominated as an accused in the present FIR.

3. The learned counsel for the petitioner submits that neither the petitioner has been named in the FIR, nor any role qua commission of the alleged offence has been assigned therein to him, rather his name has

surfaced in the disclosure statement of co-accused. He further submits that except the disclosure of the co-accused, which is inadmissible in the eyes of law, the investigating agency is not seized of any cogent inculpatory evidence, which connects the petitioner with the alleged crime.

4. Notice of motion for 30.04.2024.

5. Mr. Bhupender Singh, D.A.G., Haryana, accepts notice on behalf of respondent-State of Haryana.

6. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

2. Today, the learned State counsel on instructions imparted to him by HC Naresh Kumar, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial investigation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 10.04.2024 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

4. Further a liberty is granted to the learned State counsel to seek cancellation of the bail, in case the petitioner is found to be involved in any kind of similar offence.

30.04.2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No