



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206

CRM-M-20605-2024

Date of decision: 02.08.2024

Rizwan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ashish Grewal, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.35 dated 07.02.2024 for the offences under Sections 457, 380 of the IPC registered at Police Station Chhachhrauli, District Yamuna Nagar.

2. On 26.04.2024, while noticing the following submissions made by the learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“Learned counsel inter alia contends that there is a delay of two days in the lodging of the FIR in question which clearly indicates that a false and fabricated case has been planted upon the petitioner, who has no criminal antecedents. It has been further contended that as per the allegations levelled in the FIR, the petitioner along with the co-accused were caught stealing certain articles from the stone crusher of the complainant. On seeing a motorcycle coming towards the accused, they all fled away leaving some of the articles behind; some of the accused in



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question were identified by the son of the Chowkidar, who arrived at the spot at the relevant time. Learned counsel submits that once the accused persons had been identified, it fails to appeal to prudence as to why there was still a delay of two days in reporting the matter to the police.”

3. Learned counsel for the petitioner submits that in compliance of order dated 26.04.2024, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Jagtar Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. In view of the above, the petition is allowed and interim order dated 26.04.2024, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

02.08.2024

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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