



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM -M-26538-2024

Date of Decision : **July 30, 2024**

JUNAID

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Salim Ahmed, Advocate for the petitioner.
Mr. Bhupinder Singh, D.A.G., Haryana.

KULDEEP TIWARI, J. (Oral)

1. On the last date of hearing, i.e. 24.5.2024, the following hereinafter extracted 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.226 dated 20.04.2024, under Sections 380, 511 of the IPC, registered at P.S. Kotwali, Faridabad, District Faridabad.

2. The learned counsel for the petitioner, in his asking for the relief (supra), submits that the mere allegation(s) levelled in the present FIR is regarding attempt to commit theft from ATM Machine. He further submits that neither the name of the petitioner reflects in the FIR, nor any role whatsoever has been assigned to him therein. The only piece of evidence, which constitutes the bedrock for the investigating agency to arrest the petitioner, is the disclosure statement of co-accused, which cannot be taken into consideration. Except disclosure statement of co-accused, there is no cogent incriminatory material available with the investigating agency to connect the petitioner with the alleged crime.



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Moreover, the petitioner's co-accused/main accused Shahrukh Khan and Vinod have already been granted bail by the learned trial Court.

3. Notice of motion for 30.07.2024.

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

5. 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 ASI Satbir, 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 interrogation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 24.5.2024 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.

July 30, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No