

204 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-30210-2023 (O&M)
Date of Decision: 19.03.2024

Manoj @ Aulia

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Harish Bhatti, Advocate, for the petitioner.

Mr.Kiran Pal Singh, Haryana.

Mr. Parmod K. Parmar, Advocate, for the complainant.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for seeking pre-arrest bail in FIR No. 165 dated 01.05.2023 registered under Sections 380, 384, 448, 454 & 506 read with Section 34 IPC at Police Station, Bilaspur, District Gurugram.

2. The FIR was lodged by Jai Bhagwan with the allegations that petitioner along with co-accused Hansu and Yogesh after sharing common intention, broke open the lock of his plot and committed theft of articles. Petitioner and co-accused Hansraj @ Hansu also demanded extortion money of Rs.10 lakh from the informant and threatened him with dire consequences.

3. This Court vide order dated 05.07.2023, granted interim bail to petitioner and the same reads as under:-

“Notice of motion for 24.08.2023.

Mr. Bhupender Singh, AAG, Haryana, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response.

Mr. Parmod Kumar Parmar, Advocate, causes representation on behalf of the complainant.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the

Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

4. Learned counsel submits that in pursuance of the aforesaid order, petitioner has joined investigation, therefore, his custodial interrogation is not required.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of the petitioner is not required, at this stage.

6. Although, learned counsel for complainant objected the prayer for pre-arrest bail, but since State is not asking for custodial interrogation; nor any recovery is to be effected from the petitioner, therefore, the objection of complainant stands rejected. As a result thereof, the interim order dated 05.07.2023 is made absolute, subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

8. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

9. Disposed off accordingly.

10. Pending criminal misc. application(s), if any, shall also stand disposed off.

19.03.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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