



CRM-M-29648-2024

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

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CRM-M-29648-2024

Date of Decision : July 29, 2024

VIKAS KUMAR @ BAKHU

-PETITIONER

V/S

STATE OF HARYANA

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Rajesh Kumar Kashyap, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

1. On 11.06.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

“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.494 dated 01.09.2023, under Section 379 of the IPC (Section 411 of the IPC added subsequently), registered at P.S. Ambala City, District Ambala.

2. The learned counsel for the petitioner 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 Harvinder Singh @ Tinku, wherein, he alleged the petitioner to be the recipient of the stolen property, i.e. rims of the stolen motorcycle. Since this disclosure statement was obtained in police custody, therefore, it cannot be taken into consideration.

3. Notice of motion for 29.07.2024.

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 has, on instructions imparted to him by the official concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioner had joined investigation and he is no longer required for custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 11.06.2024, as made by this Court, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

- “(i) the petitioner shall not commit an offence similar to the present offence;*
- (ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;*
- (iii) the petitioner shall make himself available for interrogation by a police officer as and when required.”*

4. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

July 29, 2024
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(KULDEEP TIWARI)
JUDGE