

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206

CRM-M-35794-2022

Date of decision: 22.02.2024

Niyamat @ Niyamat Khan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Baljeet Beniwal, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, 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.274 dated 23.05.2022 under Sections 379, 411 and 120-B of the IPC, registered at Police Station Sadar Nuh, District Nuh.

2. On 16.08.2022, while noticing the following submissions made by the learned counsel for the petitioner, a Coordinate Bench of this Court, had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“Learned counsel for the petitioner inter alia contends that in the present case, the petitioner was although named in the secret information but was not apprehended at the spot and no recovery has been effected from him and the recovery has been effected from vehicle bearing registration no.RJ- 14GK5134 which is owned by Isub @ Nabbi and not by the present petitioner. It is further submitted that co-accused of the petitioner namely Naim Ahmed who is similarly placed as the present petitioner has already been granted the interim protection in a petition filed for grant of anticipatory bail bearing No.CRM-M-27812-2022.”

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3. Learned counsel for the petitioner submits that in compliance of order dated 16.08.2022, the petitioner has joined investigation and cooperated with the investigating agency.
4. Learned State counsel, on instructions, 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 16.08.2022, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

22.02.2024	(MANJARI NEHRU KAUL)
Vinay	JUDGE
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No