



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-32844-2024

Date of Decision : **October 23, 2024**

RAJAT

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. A.K.Sharma, Advocate for the petitioner.
Mr. Bhupender Singh, D.A.G., Haryana.

KULDEEP TIWARI, J. (Oral)

1. On 12.7.2024, 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.15 dated 12.01.2024, under Sections 380, 457 of the IPC (Section 411 of the IPC added subsequently), registered at P.S. Civil Line, Jind, District Jind.

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. In fact, the petitioner is working at a mobile shop and he has not committed any offence, as alleged. The only piece of evidence, which constitutes the bedrock for the investigating agency to arrest the petitioner, is the disclosure statement of co-accused. The petitioner has been dragged in this case merely for the reason that his brother has been made an accused therein.

3. *Lastly, the learned counsel for the petitioner submits that the petitioner has clean antecedents and he is ready and willing to join the investigation.*

4. *Notice of motion for 12.08.2024.*

5. *Mr. Rajesh Gaur, Addl. A.G., Haryana, accepts notice on behalf of respondent-State of Haryana.*

6. *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. Thereupon it was informed by the learned State counsel that the petitioner has not fully cooperated with the investigation process.

3. In view of the stand of the learned State counsel, the petitioner was again directed to rejoin the investigation and to fully cooperate with the investigation process vide order dated 12.8.2024.

4. Today, the learned State counsel on instructions imparted to him by the official concerned, informs this Court that the petitioner has again re-join the investigation but still he is not cooperating with the investigation process.

5. This Court has put a specific query to the learned State counsel that what exactly cooperation is required by the IO concerned from the petitioner, to which he replied that the petitioner is required to get recovered the stolen articles.

6. This Court have considered the rival submissions made by the learned counsel for the parties concerned.

7. In the instant case, FIR was registered against unknown persons. The name of the petitioner was cropped only on the disclosure statement of co-accused, who is his real brother. The petitioner cannot be forced to suffer self-incriminating statement. In case the prosecution has any evidence that the petitioner is also involved or has received the stolen articles, they should establish their case on their own.

8. In view of the above, the hereinabove extracted interim order dated 12.7.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

“(i) the petitioner(s) shall not commit an offence similar to the present offence;

(ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

9. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) 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.

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

October 23, 2024
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(KULDEEP TIWARI)
JUDGE

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