



268/A

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-34466-2024**

Date of Decision: 09.09.2024

Sohaib Khan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH**Present:** Proxy counsel for
Mr. Saleem Ahmed, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

GURBIR SINGH, J. (ORAL)

1. The instant petition that has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.35 dated 29.01.2024 under Sections 148/149/323/379-B/506 of IPC later on added 325/395/397/506 of IPC, 1860 Section 25(1B) (a) of the Arms Act, 1959 and deleted 379-B of IPC registered at Police Station Bhondsi, Gurugram, District Faridabad (Haryana).
2. Reply dated 02.09.2024 by way of affidavit of Mr. Manoj Kumar, HPS, Assistant Commissioner of Police, Crime-II, Gurugram has been filed on behalf of the respondent-State, which is taken on record. Copy has been supplied to the counsel for the petitioner.
3. Vide order dated 22.07.2024 this Court had granted interim bail to the petitioner and directed him to join investigation. The same is reproduced as under:-

“The prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.35 dated 29.01.2024 under Sections 148/149/323/325/395/397/506/120-B IPC and Section

25 (1B) (a) of Arms Act registered at Police Station Bhondsi, District Gurugram, Haryana.

Learned counsel for the petitioner submits that the name of the petitioner has cropped up on the basis of disclosure statement made by Mustufa and Aasif. The petitioner has not been named in the present FIR. He further submits that co-accused Imran has already been granted the concession of interim bail by this Court in CRM-M-32290-2024 vide order dated 10.07.2024.

Mr. Gurmeet Singh, AAG, Haryana appears and accepts notice on behalf of the respondent-State. He seeks some time to file status report.

A copy of the paper book be supplied to him during the course of the day.

In the meantime, the petitioner is directed to join the investigation as and when called by SHO/Investigating Officer and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438 (2) Cr.P.C.:-

- (i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required:*
- (ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) that the petitioner shall not leave the country without prior permission of the Court concerned.*

To be heard along with CRM-M-32290-2024 on 09.09.2024.

Status report be filed on or before the next date of hearing with an advance copy to the counsel opposite.”

4. Learned State counsel, on instructions from ASI, Sombir submits that in compliance of order dated 22.07.2024 petitioner has joined investigation and he is not required for any custodial interrogation.

5. I have heard learned counsel for the parties.

6. In view of the fact that the petitioner has joined investigation and his custodial interrogation is not required, the order dated 22.07.2024 granting interim bail to the petitioner is made absolute. The petitioner shall abide by the conditions as laid down under Section 438(2) Cr.P.C. in letter and spirit.
7. Petition stands disposed of accordingly.

09.09.2024
Parveen kumar

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No