

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46561-2023(O&M)
Date of decision: 14.03.2024

Sanjay
...Petitioner

Versus

State of Haryana
...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vikas Kumar, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG., Haryana.

Mr. Reshabh Bajaj, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No. 719 dated 21.09.2022, under Sections 392, 397, 452, 506 read with Section 34 of Indian Penal Code, 1860 and Sections 25 of Arms Act, 1959, registered at Police Station, Sector 58, Faridabad, District Faridabad.

(2) Allegations are that petitioner along with co-accused entered the house of complainant-Rama Goyal and pointed knife and pistol at her neck and one by putting knife on her mother-in-law's neck, threatened to kill and looted all the jewellery and cash.

(3) This Court on 12.10.2023, granted interim bail to the petitioner and which reads as under:-

“Status report by way of affidavit dated 11.10.2023 of Sh. Sudhir Taneja, ACP, Mujesar, District Faridabad, along with Annexure R-1, has been filed. The same is taken on record. Copy thereof supplied to the opposite side.

Learned counsel for the petitioner submits that as per allegations of the prosecution, there were three assailants, namely, Bajrangi, Firoz and Paulty. All three have been arrested and petitioner is nominated on the basis of disclosure made by co-accused Firoz; but except that, there is no other material with the police regarding his complicity.

Faced with the above situation, learned State counsel seeks time to have instructions in the matter.

Posted for 23.11.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of arrest, the Arresting Officer would admit him to interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

(4) Learned Counsel for the petitioner submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

(5) Learned State Counsel on instructions from ASI-Jitender submits that in pursuance of aforesaid order, petitioner has joined investigation and as on today, his custodial interrogation is not required.

(6) Although, learned counsel for complainant objected to the prayer of the petitioner, but since State is not asking for custodial interrogation, therefore, the objection of complainant stands rejected.

(7) In view of above, interim order dated 12.10.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

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

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

(10) It is made clear that in case of any recurrence on the part of the petitioner, the State would be at liberty to move an application for recalling of this order.

- (11)

Disposed off accordingly.
- (12)

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

14.03.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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