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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54850-2023
DECIDED ON: 15.01.2024

MOHIT

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amit Choudhary, Advocate for the petitioner.
Ms. Geeta Sharma, DAG, Haryana.
Mr. Ram Tilak Redhu, Advocate for the complainant.

HARPREET SINGH BRAR, J (ORAL)

Through instant petition, the petitioner is seeking anticipatory bail in case FIR No. 282 dated 08.10.2023 registered under Sections 147, 148, 149, 341 and 379B of IPC at Police Station Sadar, Ratia, District Fatehabad.

2. Status report dated 06.12.2023 by way of affidavit of Kulwant Singh, HPS, Deputy Superintendent of Police, Fatehabad on behalf of respondent-State has been filed and is taken on record. A copy thereof be supplied to the counsel for the petitioner.

3. On 03.11.2023, following order was passed:

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.282 dated 08.10.2023, under Sections 147, 148, 149, 341 and 379-B IPC, registered at Police Station Sadar, Ratia, District Fatehabad.

Learned counsel for the petitioner has argued that the petitioner is innocent and has been falsely implicated in the present case. It is submitted that petitioner has been nominated as an accused on the basis of disclosure statement of co-accused. It is further submitted that as per allegations in the FIR some unknown persons came on 4/5 motorcycles from behind and waylaid the complainant, beat him up besides looting him. It is specifically mentioned that he neither knows the assailants nor recognizes

them. It is further submitted that co-accused were arrested on secret information. Apart from the disclosure statement of co-accused while in custody, there is no material to connect the petitioner with the commission of crime. The petitioner is ready to join investigation and cooperate with the investigating agency.

Notice of motion.

Mr. Gurbir S. Dhillon, AAG, Haryana, accepts notice on behalf of the respondent-State and waives service. He prays for time to file reply/status report.

List on 14.12.2023.

In the meanwhile, petitioner shall join the investigation and would associate as and when called. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bond and surety to the satisfaction of Arresting/Investigating Officer. The petitioner shall abide by the conditions specified in Section 438(2) Cr.P.C.”

4. Learned State counsel, on instructions from ASI Basant Singh, submits that in compliance of order dated 03.11.2023 passed by a Coordinate Bench of this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.
5. Learned counsel for the complainant vehemently opposes the grant of bail of the petitioner on the ground that the stolen articles have not been recovered from the petitioner till date.
6. Keeping in view the statement made by learned State Counsel the order dated 03.11.2023, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C.
7. The petition is accordingly allowed.
8. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

15.01.2024
Manisha

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