

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-54923 of 2023
Date of Decision: January 31, 2024

Sunil Kumar

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARPREET SINGH BRAR

Present : Mr. Amaninder Preet, Advocate
for the petitioner

Ms. Geeta Sharma, DAG Haryana

Harpreet Singh Brar, J. (Oral)

1. Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No. 233 dated 28.07.2023 registered under Section 379 IPC at Police Station Beri, District Jhajjar.

2. On 03.11.2023, the following order was passed :-

“Learned counsel for the petitioner submitted that it is a case where the name of the petitioner was nominated on the basis of disclosure statement of the co-accused and the allegations were that he had purchased the stolen material from the co-accused, who had stolen the wires and trolley. He further submitted that the petitioner is neither a scrap dealer nor he owned any shop anywhere at any place and even otherwise also, he is only an agriculturist and he has been nominated purely on the basis of disclosure statement of the co-accused, which is per se not admissible in evidence. Learned counsel submitted that he has specific instructions from the petitioner to state that the petitioner will not only join the investigation but will also fully co-operate with the investigation process.

Notice of motion.

Ms. Harpreet Kaur, AAG, Haryana accepts notice on behalf of the respondent/State and prays for some time to seek instructions and to file an affidavit in the present case.

Adjourned to 22.01.2024.

Meanwhile, the petitioner is directed to join the investigation and to co-operate fully with the investigation process and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C .”

3. Learned State counsel, on instructions from Inspector Jasbir Singh, states that pursuant to order dated 03.11.2023, the petitioner has joined the investigation and is no more required for custodial interrogation.

4. In view of the statement of learned State counsel, 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.

5. Petition stands disposed of.

6. 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

January 31, 2024

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No