

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

212

2024:PHHC:019831

CRM-M-56718-2023

Date of decision: February 13th, 2024

Pankaj Sharma

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vishal Garg Narwana, Advocate
with Mr. Arishdeep Mraad, Mr. Vasu Ranjan Shandilya
and Mr. Sagar Sharma, Advocates
for the petitioner.

Mr. Rahul Mohan, Senior Deputy Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.460 dated 19.08.2023 under Sections 307 and 34 of the Indian Penal Code, 1860 (Sections 307 and 34 IPC were deleted and Sections 148, 149 and 285 IPC added later on) and Section 25 of Arms Act, registered at Police Station City Tohana, District Fatehabad.

2. Vide order dated 09.11.2023, the petitioner had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“While drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, inter alia, contends that a perusal of the same reveals that the petitioner was neither named therein nor any suspicion raised qua his involvement in the crime in question. He submits

that subsequently the name of the petitioner surfaced during investigation when co-accused Yayati Sharma allegedly suffered a disclosure statement, wherein also he simply stated that the petitioner was one of the 30 persons, who were accompanying him at the time of alleged occurrence. Learned counsel submits that it is a case of false implication, which finds further credence from the fact that the petitioner has clean antecedents as he is not involved in any other criminal case.”

3. Learned counsel for the petitioner submits that in compliance of order dated 09.11.2023, the petitioner has joined investigation and cooperated with the investigating agency.
4. Learned State counsel, on instructions from S.I. Jagga Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.
5. In view of the above, the petition is allowed and interim order dated 09.11.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

February 13th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No