

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.59479 of 2023

Date of decision: 26th February, 2024

Aarif

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Afjal Hussain, Advocate for the petitioner.

Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.336 dated 16.10.2023 under Sections 406, 420, 120-B of the IPC and Sections 7-10-55 of the Essential Commodities Act registered at Police Station Punhana, District Nuh.

2. On the last date of hearing, i.e. 28.11.2023, while noticing the following submissions made by learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation.

“Learned counsel for the petitioner inter alia contends that the petitioner was neither named in the FIR which has been annexed as Annexure P-1 nor was he present at the shop of the co-accused when the police party

raided it. Learned counsel submits that the petitioner came to be nominated as an accused pursuant to a disclosure statement allegedly suffered by co-accused who stated that 35 kgs. of milk powder had been supplied to him by the petitioner.”

3. Learned counsel for the petitioner submits that in compliance of the order dated 28.11.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Raj Kumar, 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 the circumstances, the petition is allowed and the interim order dated 28.11.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

February 26, 2024
rps

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