

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

230 CRM-M-60920-2023
Date of Decision : February 16, 2024

SHER MOUHAMMAD -PETITIONER

V/S

STATE OF HARYANA -RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Khalid Tauru, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, A.A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

1. On 04.12.2023, a Co-ordinate Bench of this Court had passed the hereinafter extracted order, upon the instant petition:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail in:-

<i>FIR No.</i>	<i>Dated</i>	<i>Police Station</i>	<i>Sections</i>
373	31.12.2022	Sadar Dadri, District Charkhi Dadri	457, 380, IPC

Counsel for the petitioner submits that petitioner was working as a Mechanic in the repair shop, run by the complainant, who owed him commission. Counsel submits that instead of making payment, petitioner has been falsely implicated in FIR, Annexure P-1, on the allegation that he has stolen a truck from his garage. Still further, it is his submission that the stolen property has been recovered and no recovery is to be effected from the petitioner, who has a clean past, and is prepared to join the investigation.

Notice of motion.

On asking of the Court, Mr. Munish Sharma, DAG,

Haryana accepts notice on behalf of the State-respondent.

List on 16.02.2024.

Petitioner is directed to join the investigation on 20.12.2023 at 10:00 A.M. at Police Station Sadar Dadri, District Charkhi Dadri and co-operate with the Investigating Agency. In the event of arrest, he shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

2. Today, the learned State counsel, on instructions imparted to him by the official concerned, has stated that pursuant to the making of the hereinabove extracted order, the petitioner had joined investigation and he is no longer required for custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 04.12.2023, as made by a Co-ordinate Bench of this Court, is made hereby absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

February 16, 2024
devinder

(KULDEEP TIWARI)
JUDGE

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