

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(206)

CRM-M-61561-2023

Date of Decision:- 07.03.2024

Jalaluddin @ Jalauddin

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Azam Khan, Advocate for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI, J. (Oral)

1 On the last date of hearing i.e on 07.12.2023, the following
order was passed:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of anticipatory bail, in case FIR No.68 dated 28.04.2023, under Section 25 of Arms Act, 1959, registered at P.S. Bichhore, District Nuh.

2. The allegations, as levelled in the FIR and which are recorded in paragraph No.2 of the order dated 21.09.2023, passed by the learned Sessions Judge, Nuh, whereby, relief of anticipatory bail was declined to the petitioner, are extracted hereinafter:-

“2. The case of the prosecution, in brief, is that on 28.04.2023, police received a secret information that the present applicant was having illegal pistol and he was present in Village Fuseta. On the basis of secret information, police reached at the place disclosed by the secret informer. One person was found present there, but on seeing the police party, he started running. He was chased by the police party, but he managed to flee away. However, one pistol fell on the ground from the possession of the

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accused when he was running. The said pistol was taken in possession.”

3. *The record, as available before this Court, transpires that the petitioner has been arrayed as an accused in the FIR, based entirely upon a secret information and except this information, no inculpatory material has yet been collected by the investigating agency against the petitioner.*

4. *Notice of motion for 15.02.2024.*

5. *Mr. Bhupender Singh, D.A.G., Haryana, accepts notice on behalf of respondent-State of Haryana. 6. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”*

2 Learned counsel for the petitioner submits that in pursuance of the order dated 07.12.2023, the petitioner had joined the investigation.

3 Learned State counsel, on instructions from SI Kalyan, submits that the petitioner had joined the investigation, and he is not required for any further custodial interrogation.

4 In view of the statement made by learned State counsel, the interim order dated 07.12.2023, is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(KULDEEP TIWARI)
JUDGE

March 07, 2024

geeta

Whether speaking/reasoned:- Yes/No

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Whether Reportable:- Yes/No