

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

**CRM-M No.5345 of 2022 (O&M)
Date of decision : 31.10.2023**

Arun Kumar

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. H.S.Randhawa, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

1 Learned counsel for the petitioner at the outset submits that as
per the prosecution after filing of the present petition now offence
punishable under Section 201 IPC has been added. He prays that on his oral
request head note as well as the prayer clause of the petition be ordered to
be amended.

2 The aforesaid prayer is not opposed by learned State counsel.

3 Prayer is allowed. Section 201 IPC is ordered to be
incorporated in the head note as well as in the prayer clause.

4 Registry is directed to carry out necessary corrections.

5 The petitioner prays for grant of pre-arrest bail in FIR No.191
dated 09.03.2021 registered under Sections 420/465/467/468/471/474
/201/120-B IPC, at Police Station City Narnaul, District Mahendergarh.

6 While issuing notice of motion on 09.02.2022 the following
order was passed:-

“The matter has been taken up through video conferencing.

Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in this case; the petitioner is presently serving as a Sub Inspector in the Border Security Force; the petitioner has 20 years unblemished service of his credit; rather the petitioner is a decorated member of the para military forces; the petitioner has no connection whatsoever with the main accused Arun who is the only beneficiary of the alleged crime; there is no other criminal case pending against the petitioner; the only evidence against the petitioner is the alleged disclosure statement by a co-accused in police custody which is not admissible under Section 25 of the Indian Evidence Act, 1872 and that the petitioner is also ready and willing to join and cooperate with the investigation.

Notice of motion.

Mr. Sumit Jain, Addl. A. G., Haryana accepts notice on behalf of the respondent-State.

For arguments, adjourned to 11.07.2022.

Till the adjourned date, the petitioner's arrest is stayed.

Before the adjourned date the State shall file a concise status report with regard to the case of the prosecution qua the petitioner as also append the alleged conversation between the petitioner and co-accused Arun which is referred to in the order of the Trial Court through which the petitioner's plea for anticipatory bail was rejected.”

7 Learned State counsel on instructions from ASI Jora Singh has stated that pursuant to the order dated 09.02.2022 the petitioner has joined investigation and is no longer required for custodial interrogation.

8 In view of above, the interim order dated 09.02.2022 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

9 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.

10 This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the petitioner.

11 The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.

12 It will be open to the police or the investigating agency to move this court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

13 Petition stands disposed off.

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

(PANKAJ JAIN)
JUDGE

31.10.2023

Pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes
No