

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

CRM-M-13459-2023

Date of decision : 24.08.2023

Manjit Singh

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. R.K. Arya, Advocate for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

Apprehending his arrest in FIR No.0040, dated 17.03.2019, registered for offences punishable under Sections 406, 420 and 120-B IPC and Section 13 of the Punjab Travel Professions Regulation Act, 2014 at Police Station Bhogpur, District Jalandhar Rural, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

2. On 15.05.2023, following order was passed :

“In terms of orders dated 17.02.2023 and 13.04.2023, Status report by way of an affidavit of Harjit Singh, PPS, Deputy Superintendent of Police, Headquarter cum Sub Division Adampur, Jalandhar has been filed and the same is taken on record. A copy thereof has been supplied to the counsel opposite.

Learned State counsel submits that petitioner is intentionally evading his arrest despite repeated visits of the surveying official. Therefore, his bail order was cancelled and surety bonds were forfeited to State. His proclamation has already been issued. He has also produced the copy of order

dated 22.03.2023 passed by Judicial Magistrate Ist Class, the same is reproduced below for reference:-

“ Non-bailable warrants of arrest issued against accused Manjit Singh received back with the report that the wife of accused Manjit Singh has reported that the accused has gone to Chandigarh for some personal work and he shall be made aware about the warrants, Perusal of the file reveals that every time the wife of the accused is making the same report. This Court is satisfy that accused Manjit Singh is intentionally evading his arrest despite repeated visits of the serving official. Therefore his bail order is hereby canceled and the bail bonds and surety bonds are forfeited to state. Accordingly proclamation against accused Manjit Singh be issued 10.05.2023.”

Learned counsel for the petitioner submits that parties have entered into compromise. More so, the case is compoundable. A copy of the affidavit regarding compromise has already been annexed with this petition as Annexure P-2.

A perusal of the order dated 22.03.2023 passed by Judicial Magistrate Ist Class reveals that warrant of arrest was issued prior and on 22.03.2023, the bail was cancelled and proclamation has already been issued.

Learned Sessions Judge, Jalandhar is directed to look into the matter and advise the officer concerned that warrant of arrest of a person can only be issued if he is not on bail and when a person is on bail, warrant of arrest cannot be issued.

Since, parties have entered into compromise and order of proclamation has been issued apparently against Section 82. In the meantime, petitioner is directed to join investigation as and when called by SHO/Investigating Officer and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438 (2) Cr.P.C.:-

(i) that the petitioner shall make himself available for

interrogation before the investigating officer as and when required:

(ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave the country without prior permission of the Court concerned.

Learned counsel for the petitioner further submits that quashing petition i.e CRM-M-31872-2019 is pending adjudication for 24.08.2023.

Let this petition be heard on the date fixed.”

2. Today, Ld. State Counsel on instructions from ASI Kewal Singh submits that the petitioner has already joined investigation and is no more required for custodial interrogation.

3. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 15.05.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.

4. This order should not be treated as "blanket" order. It will not be read granting the 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. 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.

6. The petitioner shall be deemed to be in custody for the purpose

of Section 27 of the Evidence Act in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.

7. 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.

August 24, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No