

2023:PHHC:108530

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

202

CRM-M-23163-2023

Date of decision : 21.08.2023

Shakti Singh and another**..... Petitioners****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Talim Hussain, Advocate
for the petitioners.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

While issuing notice of motion, the following order was
passed on 08.05.2023:-

“Learned counsel for the petitioners inter alia contends that the petitioners have been falsely implicated in this case on account of a land dispute between the petitioners and the complainant; in fact 02 civil suits are pending between the petitioners and the complainant in which the subject matter of the dispute is the land on which the petitioners are alleged to have constructed the wall; the petitioners have no other criminal antecedents; the allegations with regard to the theft are absolutely false and that the petitioners are also ready and willing to join and cooperate with the investigation.

Notice of motion.

Mr. Viney Phogat, DAG, Haryana accepts notice on behalf of the respondent-State.

For arguments, adjourned to 21.08.2023.

Before the adjourned date, the State shall file a concise status report.

2023:PHHC:108530

In the meanwhile subject to the petitioners' joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438 (2) Cr.P.C, in the event of their arrest in FIR No.0304 dated 15.08.2020 registered under Section 3(B) of the Public Property (Prevention of Damage) Act, 1985 and Sections 341, 380, 457 and 506 IPC at Police Station Hodal, District Palwal, they shall be released on ad interim anticipatory bail to the satisfaction of the arresting officer.”

2. Today, learned State counsel, on instructions from SI Ramesh Kumar, has stated that pursuant to the order dated 08.05.2023, the petitioners have joined investigation and are no longer required for custodial interrogation.

3. In view of above, the interim order dated 08.05.2023 passed by this Court is made 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. 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, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.

2023:PHHC:108530

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.
8. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.
9. Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

21.08.2023

Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No