

2023:PHHC:108571

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

208/1

CRM-M-24097-2023

Date of decision : 21.08.2023

Bal Kishan Prajapati**..... Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Shivam Garg, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

While issuing notice of motion, the following order was
passed on 12.05.2023:-

“1. Petitioner is seeking anticipatory bail in case bearing FIR No.45 dated 04.04.2023 under Sections 457, 380, 342 IPC (Section 395 IPC added subsequently), registered at Police Station Doraha, District Ludhiana.

2. Learned counsel for the petitioner contends that the allegations in the FIR are with regard to restraining the security guard, inflicting injuries and commission of theft of axles, machinery etc. from the premises of Sahil Sten Gear Pvt. Ltd. The petitioner is not in any manner involved in the commission of theft. The petitioner is being hauled up on the score that he had facilitated the sale of stolen property by the persons who had committed the theft. The petitioner is not involved in any other case.

3. Notice of motion.

4. Ms. Ruchika Sabherwal, DAG Punjab accepts notice on behalf of the State.

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5. *Adjourned to 21.08.2023.*

6. *Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”*

2. Today, learned State counsel, on instructions from ASI Sikander Raj, has stated that pursuant to the order dated 12.05.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 12.05.2023 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.

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

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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