

CRM-M-30814-2023

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2023:PHHC:112280

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

**CRM-M-30814-2023
Date of decision : 28.08.2023**

GURPREET SINGH

....Petitioner

Versus

STATE OF HARYANA AND ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Naveen Kumar, Advocate for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

Apprehending his arrest in FIR No.278, dated 05.05.2023, registered for offences punishable under Sections 406, 420 & 506 of the Indian Penal Code, 1860 at Police Station Ambala City, District Ambala, Haryana the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

2. On 20.06.2023, the following order was passed :-

On the oral request made by the learned counsel for the petitioner, complainant with the following details is impleaded as respondent No. 2 in this case :-

Harbansh Singh son of Shri Daljeet Singh,
resident of Village Badi Ghail, Ambala Sadar, Ambala.

Registry is directed to carry over the necessary corrections in the Memo of Parties.

Apprehending his arrest in case FIR No. 278 dated 5.5.2023

registered under Sections 406, 420, 506 IPC at Police Station Ambala City, District Ambala, petitioner seeks pre-arrest bail.

Learned counsel for the petitioner, inter alia, submits that at the end of the day, the matter will boil down to recovery of amount of Rs. 4,00,000/- which is alleged to have been paid to the petitioner. The petitioner is ready to settle the issue amicably and in order to show his bonafide, the petitioner is ready to deposit Rs. 1,00,000/- before the learned Duty Magistrate concerned. Let the petitioner do so. After the petitioner deposit Rs. 1,00,000/-, the same shall be released to the complainant by the learned Duty Magistrate concerned on filing appropriate application and the parties thereafter shall appear before the Mediation and Conciliation Centre functioning under the aegis of learned District Judge, Ambala on 27.7.2023.

Notice of motion for 28.8.2023.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438 (2) of the Cr.P.C.”

3. Today, Ld. State Counsel ASI Susheel Kumar submits that the petitioner has already joined investigation and is no more required for custodial interrogation. Otherwise also counsel for the petitioner submits that the matter stands compromised.

4. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 20.06.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.

5. 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.

6. 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.
7. 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.
8. 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.
9. The petition is disposed off.

August 28, 2023
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No