

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

210**CRM-M-30926-2023****Date of decision: 16th August, 2023**

Tarsem Singh Beniwal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Rahul Sharma, Advocate for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J (Oral)

1. The petitioner has prayed for grant of pre-arrest bail in FIR No.105 dated 01.06.2023, registered under Sections 420 and 120-B of the Indian Penal Code, 1860 at Police Station Lehra, District Sangrur (Annexure P-1).

2. On 20.06.2023 the following order was passed:-

“Apprehending his arrest in FIR No.105, dated 01.06.2023, registered for offences punishable under Sections 420 and 120-B of the Indian Penal Code, 1860 at Police Station Lehra, District Sangrur, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking prearrest bail.

Ld. Counsel for the petitioner inter alia contends that there will be a serious question w.r.t. the locus of the complainant to maintain the present complaint. Apart therefrom the complainant has filed civil suit wherein the ownership of the principle of the petitioner has been admitted. The principle has not disputed creation of agency in favour of the petitioner by way of power of attorney which is sought to be disputed.

Issue notice of motion, returnable for 16.08.2023.

Mr. Harsimar S. Sitta, Dy. Advocate General, Punjab appears

and accepts notice on behalf of the respondent/State.

Mr. Mohit Garg, Advocate appears and files his power of attorney on behalf of the complainant today in Court. The same is taken on record.

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, learned State counsel, on instructions from IO, has stated that pursuant to the order dated 20.06.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the interim order dated 20.06.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. This order should not be treated as "blanket" order. It will not be read granting petitioner an 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, 1872 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. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

August 16, 2023
M.Sikka

(PANKAJ JAIN)
JUDGE

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No