

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

CRM-M-31182-2023

Date of decision : 13.12.2023

PANKAJ

....Petitioner

Versus

STATE OF HARYANA

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Anoop Kumar Yadav, Advocate for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana with HC Sanjay .

PANKAJ JAIN, J. (ORAL)

On 04.07.2023, the following order was passed :-

Apprehending his arrest in FIR No. 352 dated 17.05.2023 for offences punishable under Sections 148, 149, 323, 427 and 506 IPC, 1860 registered at Police Station City Narnaul, District Mahendergarh, the petitioner has preferred this petition under Section 438 Cr.P.C seeking pre-arrest bail.

Learned counsel for the petitioner inter alia contends that the only role attributed to the petitioner is that he gave lift to the victims when they were stopped by the main accused and given beatings and the lower court has dismissed the pre-arrest bail of the petitioner on the ground that custodial interrogation of the petitioner is required for effecting recovery of lathi/danda.

Notice of motion.

Mr. Gaurav Bansal, DAG., Haryana who is present in Court accepts notice. 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. To come up on 10.10.2023.

2. Today, Ld. State Counsel on instructions from HC Sanjay 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 04.07.2023 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.
8. Petition stands disposed off accordingly.

December 13, 2023**Dpr****(Pankaj Jain)
Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No