

2023:PHHC:156260  
**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-31727-2023**  
**Date of decision : 07.12.2023**

**MOHAMMAD JAMIL AND ANOTHER**

....Petitioners

Versus

**STATE OF PUNJAB**

...Respondents

**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN**

Present :- Mr.Pranshul Dhull , Advocate  
for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

**PANKAJ JAIN, J. (ORAL)**

1. On , 05.07.2023, the following order was passed :-

*Apprehending their arrest in FIR No. 0053 dated 13.05.2023 for offences punishable under Sections 420 and 120-B IPC, 1860 registered at Police Station City II, Malerkotla District Malerkotla, the petitioners have preferred this petition under Section 438 Cr.P.C seeking pre-arrest bail.*

*Learned counsel for the petitioners inter alia contends that the controversy at the heart of the FIR is purely civil in nature and the parties are already before the civil court.*

*Notice of motion.*

*Mr. Tarun Aggarwal, Senior DAG., Punjab who is present in Court accepts notice.*

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

*To come up on 04.10.2023”*

2. Today, Ld. State Counsel on instructions from ASI Magar

Singh submits that the petitioners have 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 05.07.2023 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 petitioners 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 petitioners.

6. The petitioners 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.

( PANKAJ JAIN )  
JUDGE

07.12.2023  
raman

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