

2023:PHHC:145965

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

207

CRM-M-31892-2023

Date of decision : 15.11.2023

Baljeet**..... Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Jitender K. Sehrawat, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 07.07.2023, following order was passed:-

“Learned counsel *inter alia* contends that the petitioner and the complainant are having a civil dispute regarding immovable property and civil suit filed by the petitioner seeking injunction against the complainant and her mother is pending, wherein interim injunction in favour of the petitioner has been granted. He submits that prior to the filing of the suit on 09.06.2023, an application was given by the petitioner to Tehsildar and in order to retaliate, the complainant's mother lodged FIR No.463 dated 10.06.2023, under Sections 380, 448 and 506 IPC, 1860 at Police Station Barwala, District Hisar and few days after, the son got this FIR lodged on the allegations that the petitioner snatched his mobile. According to learned counsel, the complainant is making false accusations.

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Notice of motion for 27.09.2023.

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 Vinod Kumar, has stated that pursuant to the order dated 07.07.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 07.07.2023 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.

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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. 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

15.11.2023

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Whether speaking/reasoned :	Yes
Whether Reportable :	No