

CRM-M-32000-2023

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2023:PHHC:141116

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

CRM-M-32000-2023

Date of decision : 06.11.2023

AMRISH SHARMA

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Ms. Poonam Rani, Advocate for
Mr. Siddarth, Advocate for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

On 02.08.2023, the following order was passed :-

“Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case bearing FIR No.91 dated 22.03.2023, registered under Section 25 of the Arms Act, at Police Station Chappar, District Yamuna Nagar.

Learned counsel for the petitioner prays for adding Section 29B of the Arms Act, in the head note and prayer clause of the petition.

The request is allowed. Registry is directed to do the needful.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR; that the petitioner has falsely been implicated in the present case on the disclosure statement of co-accused, namely, Navinder Singh, from whom one .32 bore country-made pistol and 5 live cartridges were recovered; that as far as other cases are concerned, those were registered within 10 days and that in three cases, the petitioner is

on bail .

Notice of motion for 11.09.2023.

Meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.”

2. Today, Ld. State Counsel on instructions from ASI Rajbir Singh 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 02.08.2023 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.

November 06, 2023	(Pankaj Jain)
Dpr	Judge

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