

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

Date of decision : 10.10.2023

1. CRM-M-33080-2023

Reena Petitioner

versus

State of Punjab Respondent

2. CRM-M-33133-2023

Kirna Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Harsh Chopra, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 13.07.2023, following
order was passed:-

“Apprehending their arrest in FIR No.158
dated 28.12.2021 registered under Section 379-B
IPC at Police Station City Morinda, petitioners seek
pre-arrest bail.

Learned counsel for the petitioner/s *inter alia*
contends that the story put forth by the prosecution
is highly improbable. The complainant who was
part of Nagar Kirtan having found that her chain
was missing definitely would have raised hue and

cry.

Notice of motion for 10.10.2023.

On the asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent-State.

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.

Photocopy of this order be placed in the connected file.”

2. Today, learned State counsel, on instructions from ASI Sohan Singh, has stated that pursuant to the order dated 13.07.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 13.07.2023 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.
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.
10. A photocopy of this order be placed on the file of other connected case.

(PANKAJ JAIN)
JUDGE

10.10.2023

Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No