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

**CRM-M-35019-2023
Date of decision : 17.10.2023**

RISHAV DHAND

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Ms. Nainika Bansal, Advocate for the petitioner.

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

Mr. Aryavart, Advocate for the complainant.

PANKAJ JAIN, J. (ORAL)

On 27.07.2023, the following order was passed :-

“Apprehending his arrest in FIR No.0106 dated 25.04.2023, registered for offences punishable under Sections 406 and 420 at Police Station Cheeka, IPC, 1860 the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Learned counsel for the petitioner inter alia submits that there is no allegation against the petitioner in the FIR.

The bail is being opposed by learned counsel for the complainant and he submits that the petitioner gave a declaration to the effect that out of the total amount of Rs.18,50,000/-, which was paid by the complainant, Rs.4,50,000/- has been received by the petitioner, though, in the account of one Hoshiar Singh.

Learned counsel for the petitioner submits that the specific stand of the petitioner is that the signatures as to the said

declaration are not that of the petitioner and the petitioner is ready to co-operate with the investigating agency and also to give his specimen signature.

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 17.10.2023.

Status report be filed before the next date of hearing.”

2. Today, Ld. State Counsel on instructions from ASI Shakti 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 27.07.2023 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.

October 17, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No