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

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CRM-M-35810-2023

Date of decision : 04.10.2023

Rajiv

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Prateek Rathee, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 26.07.2023, following order was passed:-

“Apprehending his arrest in FIR No. 0086 dated 14.06.2023 for offences punishable under Sections 148, 149, 323, 324, 447, 506 IPC, 1860 (Section 326 IPC was added later on) registered at Police Station Bapoli, District Panipat, the petitioner has preferred this petition under Section 438 Cr.P.C seeking pre-arrest bail.

Learned counsel for the petitioner inter alia relies upon the order dated 05.07.2023 passed by this Court in CRM-M-31643-2023 whereby similarly placed co-accused namely Jyoti has been granted the concession of interim protection. He further submits that the matter is related to possession over the land in which both the parties suffered injuries. Thus, it will not be a case of assault but that of a brawl.

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Notice of motion.

Mr. Gaurav Bansal, DAG, Haryana who is present in Court accepts notice.

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 04.10.2023.”

2. Today, learned State counsel, on instructions from ASI Sukhan Pal, has stated that pursuant to the order dated 26.07.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.
3. In view of above, the interim order dated 26.07.2023 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

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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.

(PANKAJ JAIN)
JUDGE

04.10.2023

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No