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

CRM-M-35736-2023

Date of decision : 17.10.2023

VIKRANT

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Aditya Sanghi, Advocate
for the petitioner.

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

PANKAJ JAIN, J. (ORAL)

On 26.07.2023, the following order was passed :-

“Apprehending his arrest in FIR No. 718 dated 29.12.2022 for offences punishable under Sections 307, 323, 148, 149 IPC, 1860 and Section 25 and 54 of Arms Act, 1959 registered at Police Station City Narnaul, District Mahendergarh, the petitioner has preferred this petition under Section 438 Cr.P.C seeking pre-arrest bail.

Learned counsel for the petitioner inter alia contends that the petitioner was not named in the FIR. The name of the petitioner cropped up only after 32 days in a supplementary statement made by the complainant.

Learned counsel for the petitioner further submits that undoubtedly the petitioner did receive injury but being a passer by and not as a party to the assault or brawl. He further submits that even after 32 days the complainant though submits that he has come to know that the petitioner was one of the assailants of the offending party but the source of his knowledge still remains

mystry.

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 17.10.2023.”

2. Today, Ld. State Counsel on instructions from ASI Rajesh Kumar 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 26.07.2023 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
Dpr

(Pankaj Jain)
Judge

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