

2023:PHHC:108572

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208/2

CRM-M-37658-2023

Date of decision : 21.08.2023

Mohabbat Ali

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Lakshay Bector, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

While issuing notice of motion, the following order was
passed on 03.08.2023:-

“Apprehending his arrest in FIR No. 45 dated 04.04.2023 for offences punishable under Sections 457, 380, 342, 395 IPC, 1860 registered at Police Station Doraha, District Ludhiana, 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 passed by a co-ordinate Bench of this Court dated 12.05.2023 in CRM-M-24097-2023 titled as Bal Kishan Prajapati Vs. State of Punjab whereby the co-accused has been granted the concession of pre-arrest bail.

Notice of motion.

Mr. Tarun Aggarwal, Senior DAG., Punjab who is present in Court accepts notice.

2023:PHHC:108572

*In the meantime, in the event of arrest, the petitioner shall be released on interim bail in the same terms as in the case of **Bal Kishan Prajapati Vs. State of Punjab in CRM-M-24097-2023.***

To come up on 21.08.2023.

To be heard along with CRM-M-24097-2023.”

2. Today, learned State counsel, on instructions from ASI Sikander Raj, has stated that pursuant to the order dated 03.08.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.
3. In view of above, the interim order dated 03.08.2023 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,

2023:PHHC:108572

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

21.08.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No