

2023:PHHC:143895

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

204

**CRM-M-38880-2023**

**Date of decision : 09.11.2023**

**Gurdev Singh**

**..... Petitioner**

**versus**

**State of Haryana**

**..... Respondent**

**CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Arvind Bansal, Advocate  
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

Mr. J.S. Kaushik, Advocate and  
Mr. Aryavart, Advocate for  
Mr. Ajay Chaudhary, Advocate  
for the complainant.

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**PANKAJ JAIN, J. (Oral)**

1. While issuing notice of motion on 09.08.2023, following order was passed:-

“Apprehending his arrest in FIR No.106, dated 25.04.2023, registered for offences punishable under Sections 406/420 of the Indian Penal Code, 1860 at Police Station Cheeka, District Kaithal, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

At the outset, counsel for the petitioner refers to Annexure P-2 and submits that the amount has been wrongly mentioned as Rs.10,000/- whereas it should be Rs.10,00,000/-.

Counsel for the petitioner is granted liberty to correct the same.

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Registry is directed to re-scan the page and take appropriate steps.

Ld. Counsel for the petitioner inter alia contends that even if the contents of the FIR are taken on their face value the same would not constitute any offence against the petitioner. The complainant got successful in migrating to Australia but was denied admission by the university on account of forged documents for which the petitioner cannot be held to be liable.

Issue notice of motion, returnable for 09.11.2023.

Mr. Gaurav Bansal, DAG, Haryana accepts notice on behalf of the respondent/State.

Mr. Ajay Chaudhary, Advocate appears and files his power of attorney on behalf of the complainant, today in Court. The same is taken on record.

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.”

2. Today, learned State counsel, on instructions from ASI Shakti Singh, has stated that pursuant to the order dated 09.08.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 09.08.2023 passed by this Court is made absolute, subject to the conditions as

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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.

**(PANKAJ JAIN)**  
**JUDGE**

**09.11.2023**

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Whether speaking/reasoned : Yes

Whether Reportable : No