

2023:PHHC:149019

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

212

CRM-M-39529-2023

Date of decision : 15.11.2023

Ashok and another**..... Petitioners****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Akashdeep Singh, Advocate
for the petitioners.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 11.08.2023, following order was passed:-

“Apprehending their arrest in FIR No.271, dated 10.08.2021, registered for offences punishable under Sections 148, 149, 302, 307, 506 IPC of the Indian Penal Code, 1860 and Section 25 of Arms Act (Sections 326 IPC & 27, 30 of Arms Act added later on) at Police Station IMT Rohtak, District Rohtak, the petitioners have preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Ld. Counsel for the petitioners inter alia contends that petitioners were named in the FIR but was not in the supplementary statement after about two months. In the investigation however the petitioners were found to be innocent. Petitioner have been named now in the statements suffered by PW-2 Kuldeep son of Raj Kumar and on the

2023:PHHC:149019

application filed by prosecution under Section 319 Cr.P.C., the petitioners have been summoned.

Issue notice of motion, returnable for 15.11.2023.

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

In the meantime, the petitioners shall appear before the Trial Court within 07 days from today and on their doing so they shall be released on interim bail to the satisfaction of the Trial Court. The petitioners shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

2. Today, learned State counsel, on instructions from Investigating Officer, has stated that pursuant to the order dated 11.08.2023, the petitioners have appeared before the trial Court and furnished their bail bonds.

3. In view of above, the interim order dated 11.08.2023 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 petitioners 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 petitioners.

6. The petitioners 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

2023:PHHC:149019

petitioners 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

15.11.2023

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No