

CRM-M-39382-2023
CRM-M-39806-2023 (O&M) &
CRM-M-41119-2023

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2023:PHHC:146676

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of decision : 14.11.2023

1. CRM-M-39382-2023

Payal Lahar Petitioner

versus

State of Punjab Respondent

2. CRM-M-39806-2023 (O&M)

Chanpreet Singh Petitioner

versus

State of Punjab Respondent

3. CRM-M-41119-2023

Mukul Lahar Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Jagat Vir Dhindsa, Advocate
for the petitioner(s) in CRM-M-39382-2023 &
CRM-M-41119-2023.

Mr. N.K. Verma, Advocate and
Mr. Ankush Verma, Advocate
for the petitioner in CRM-M-39806-2023.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Separate Status reports by way of affidavit of Jasroop Kaur

Batth (IPS), ACP, Civil Lines, Ludhiana, District Police

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Commissionerate Ludhiana have been filed in CRM-M-39382-2023 CRM-M-39806-2023. The same are taken on record.

2. On 10.08.2023, following order was passed:-

“Apprehending his arrest in FIR No. 137 dated 21.07.2023 for offences punishable under Sections 420, 120-B IPC, 1860. Section 66-C and 66D of the Information Technology Act, 2008 registered at Police Station Division No.8, District Police Commissionerate Ludhiana,, 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 only allegation levelled against the petitioner is of having running call centre which as per police is illegal. There is no allegation with respect to the petitioner having duped anyone, yet the petitioner has been booked for the offence punishable under Section 420 IPC.

Mr. M. S. Nagra, Asstt. Advocate General, Punjab 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 14.11.2023.”

3. Today, learned State counsel, on instructions from ASI Dharmender Singh, has stated that pursuant to the orders dated

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10.08.2023 and 16.08.2023, the petitioners have joined investigation and are no longer required for custodial interrogation.

4. In view of above, the interim orders dated 10.08.2023 and 16.08.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. 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.

6. 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.

7. 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 petitioners in case the occasion arises.

8. 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.

9. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

10.

Disposed off accordingly.
11.

A photocopy of this order be placed on the files of other connected cases.

(PANKAJ JAIN)

JUDGE

14.11.2023

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Whether speaking/reasoned :

Yes

Whether Reportable :

No