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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.45443 of 2023 (O&M)
DECIDED ON: 18th DECEMBER, 2023

AMIT KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. S.D. Bishnoi, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

1. On 13.09.2023 the following order was passed:-

“Apprehending his arrest in FIR No.955 dated 03.08.2023 registered for offence punishable under Sections 120-B, 420, 467, 468, 471 IPC, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter-alia submits that petitioner is not related to the main accused as well as beneficiary i.e. Jai Chand. The petitioner runs a photostat shop and even if the disclosure made by Jai Chand is taken to be true on its face value, the petitioner merely acted on the direction of Jai Chand and thus intent to dupe cannot be attributed to the petitioner.

Notice of motion.

On asking of the Court, Mr. Gaurav Bansal, DAG, Haryana appears and accepts notice on behalf of the respondent/State. Adjourned to 18.12.2023.

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. Learned State counsel on instructions from PSI Himanshu has stated that pursuant to the order dated 13.09.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 13.09.2023 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, 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.
9. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

18.12.2023
mahima

(PANKAJ JAIN)
JUDGE

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