

212-2

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

CRM-M-48345-2023
Date of decision : 17.10.2023

Rohit

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Sandeep Kumar Yadav, Advocate
for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

On 25.09.2023, the following order was passed :-

“Apprehending his arrest in FIR No.718 dated 29.12.2022 registered for offence punishable under Sections 148, 149, 323, 307 of IPC and 25 of Arms Act, at Police Station City Narnaul, District Mohindergarh, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Relies upon order dated 26.07.2023 (Annexure P-3) whereby co-accused-Vikrant has been granted indulgence by this Court. Further, submits that there is a dispute with respect to actual Rohit who was involved as another Rohit son of Rajinder was arrested in the same FIR and stands admitted to bail by the lower Court.

Apart therefrom it has been contended that even if the allegations are to be taken on their face value against the petitioner there is no role attributed to Rohit (petitioner) apart from his presence on the occurrence.

Notice of motion.

On the asking of the Court, Mr. Gaurav Bansal, D.A.G.,

Haryana accepts notice on behalf of the respondent-State.

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 be listed along with CRM-M-35736-2023 on 17.10.2023.”

2. Today, Ld. State Counsel on instructions from ASI Rajesh Kumar submits that the petitioner has already joined investigation and is no more required for custodial interrogation.
3. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 25.09.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.
4. This order should not be treated as "blanket" order. It will not be read granting the 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 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 accordingly.

October 17, 2023	(Pankaj Jain)
Dpr	Judge
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No