

2023:PHHC:156290
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48066-2023
Date of decision : 07.12.2023

KAMLESH

....Petitioner

Versus

STATE OF HARYANA

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Mr.Ashok Khurana, Advocate
for the petitioners.

Mr. Gaurav Bansal, DAG, Haryana.

Mr.Rahul Jaswal, Advocate for the complainant.

PANKAJ JAIN, J. (ORAL)

1. On , 22.09.2023, the following order was passed :-

“Apprehending her arrest in FIR No. 119 dated 17.5.2023, registered for offences punishable under Sections 148, 149, 323, 506 IPC (Sections 325, 307 of IPC added lateron) at Police Station Sanoli, District Panipat, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Learned counsel for the petitioner inter alia submits that no specific injury has been attributed to the petitioner to make out a case punishable under Section 307 IPC against her. The matter relates to issue of possession of land between co-sharers.

Notice of motion for 7.12.2023.

At the asking Mr. Gaurav Bansal, DAG, Haryana, who is present in the Court accepts notice.

Mr. Rahul Jaswal, Advocate has accepted notice for the complainant by filing vakalatnama, which be taken on record.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to her furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the petitioner shall join the investigation. She shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

2. Today, Ld. State Counsel on instructions from ASI Satish Kumar submits that the petitioner have already joined investigation and is no more required for custodial interrogation.

3. Counsel appearing for the complainant has eloquently opposed the bail plea of the petitioner.

4. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 22.09.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.

5. This order should not be treated as "blanket" order. It will not be read granting the 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.

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 petitioner.

7. The petitioners 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.

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. Petition stands disposed off accordingly.

(PANKAJ JAIN)
JUDGE

07.12.2023

raman

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>