

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

CRM-M-48639-2023

Date of decision : 07.12.2023

RAHUL KUMAR

....Petitioner

Versus

STATE OF PUNJAB

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Mr.Pardeep Panwar, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

1. On , 26.09.2023, the following order was passed :-

“Apprehending his arrest in FIR No.123, dated 29.06.2023 registered for offence punishable under Sections 379-B (2), 34 of IPC, at Police Station Salem Tabri, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

From the FIR it is evident that petitioner was not named in the FIR and as per the order passed by the Courts below dismissing the application for pre-arrest bail was filed by the petitioner. It is only the disclosure made by co-accused in police custody which at present have been formed basis to implicate the present petitioner.

Notice of motion.

Adjourned to 07.12.2023.

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. Today, Ld. State Counsel on instructions from ASI Hardeep Singh submits that the petitioner have 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 26.09.2023 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 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 petitioner.
6. 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.
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.

9. Petition stands disposed off accordingly.

(PANKAJ JAIN)
JUDGE

07.12.2023
raman

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