

2023:PHHC:157608
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50112-2023
Date of decision : 07.12.2023

NEHA

....Petitioner

Versus

STATE OF PUNJAB

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Mr. Jagandeep Singh, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

1. On , 04.10.2023, the following order was passed :-

Apprehending her arrest in FIR No.0150 dated 14.09.2023, registered under Section 420 IPC at Police Station City-1 Mansa, District Mansa, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Though there is no reason to entertain the present petition under Section 438 Cr.PC in view of the fact that the petitioner has not approached the Sessions Court yet keeping in view the medical condition of the petitioner as she is in last days of her pregnancy, this Court is entertaining the present petition.

Notice of motion.

On the asking of the Court, Mr. Tarun Aggarwal, Sr. D.A.G., Punjab accepts notice on behalf of respondent-State.

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. She shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.

2. Today, Ld. State Counsel on instructions from Head

Constable Jarnail 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 04.10.2023 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 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.

(PANKAJ JAIN)
JUDGE

07.12.2023

raman

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No