

101-2

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56657-2023
Date of decision : 17.11.2023

Sheetal Kalia

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Raghav Soni, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Prateek Sodhi, Advocate for the complainant.

PANKAJ JAIN, J. (ORAL)

On 09.11.2023, the following order was passed :-

“Apprehending his arrest in FIR No.215, dated 07.07.2023, registered for offences punishable under Sections 420 of the Indian Penal Code, 1860 and Section 13 of Punjab Travel Professionals (Regulation) act, 2014 at Police Station Islamabad, District Amritsar, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Ld. Counsel for the petitioner *inter alia* submits that the petitioner has been nominated only being father of the main accused Ankur Sharma. There is no allegation w.r.t. the petitioner having received any money. He further relies upon order dated 20th of October, 2023 passed in CRM-M No.37996 of 2023 whereby co-accused Sharan Kalia has been granted indulgence.

Issue notice of motion, returnable for 17.11.2023.

To be heard along with CRM-M No.37996 of 2023.

Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and

accepts notice on behalf of the respondent/State.

Mr. Prateek Sodhi, Advocate appears and files his power of attorney on behalf of the complainant today in Court, which is taken on record.

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 Baljit Singh 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 09.11.2023 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.

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