

2024:PHHC:023822

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

223

CRM-M-1279-2024
Date of decision : 20.02.2024

Harbhajan Singh Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Amit Arora, Advocate
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 11.01.2024, following order was passed:-

“Apprehending his arrest in FIR No. 2639 dated 24.12.2019 registered for offence punishable under Section 135 of Electricity Act, 2003 at Police Station Anti Power Theft Verka, Amritsar, District Amritsar, the petitioner has preferred this petition under Section 438 CPC. seeking pre-arrest bail.

The petitioner was earlier ordered to be admitted to interim protection subject to his joining investigation. However, admittedly the petitioner did not join in compliance of the same.

Notice of motion.

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

Adjourned to 20.02.2024.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to

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his furnishing personal and surety bonds to the satisfaction of the Arresting Officer/Investigating Officer and also on payment of cost of Rs.25,000/- to be paid by the petitioner to the Poor Patient Fund account of PGIMER, Chandigarh. 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, learned State counsel, on instructions from the Investigating Officer, has stated that pursuant to the order dated 11.01.2024, the petitioner has joined investigation and is no longer required for custodial interrogation. Moreover, cost of Rs.25,000/- stands paid.

3. In view of above, the interim order dated 11.01.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. This order should not be treated as "blanket" order. It will not be read granting 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, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.

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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. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.
9. Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

20.02.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No