

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

216

CRM-M-2249 of 2024
Date of decision:19.03.2024

Neeraj Kumar Goyal and another

....Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Aditya Sanghi, Advocate,
for the petitioners.

Mr. Gourav Bansal, DAG, Haryana

Mr. Narender Kaajla, Advocate,
for the complainant.

PANKAJ JAIN, J. (ORAL)

On 16.01.2024, the following order was passed :-

“Apprehending their arrest in FIR No.526 dated 05.10.2023, registered for offences punishable under Sections 420, 467, 468, 471, 120-B IPC at Police Station Model Town, Rewari, District Rewari, Haryana, the petitioners have preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia submits that petitioners as well as the complainant are related to each other as the petitioner No.1 happens to be the cousin of deceased husband of the complainant and petitioner No.2 is brother-in-law of petitioner No.1. Further submits that petitioners are ready to handover the sale proceeds of the motor-cycle i.e. of Rs.72,000/- to the complainant.

Notice of motion.

On asking of the Court, Mr. Gaurav Bansal, D.A.G. Haryana appears and accepts notice on behalf of the respondent/State. Mr. Narender Kaajla, Advocate appears on behalf of the complainant.

Adjourned to 19.03.2024.

In the meanwhile, in the event of arrest and subject to the petitioners depositing the sale proceeds of Rs. 72,000/- in the shape of demand draft in favour of the complainant to the I.O. Within 3 days, the petitioners shall be released on interim bail subject to their furnishing personal and surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. As and when called, the petitioners shall join the investigation. They shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

2. Today, Ld. State Counsel on instructions from the police official who is present in Court submits that the petitioners 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 16.01.2024 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 petitioners.

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 petitioners 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.

9. Pending applications, if any, also stand disposed of.

(PANKAJ JAIN)
JUDGE

March 19, 2024
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Whether speaking	:	Yes
Whether reportable	:	No