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2024:PHHC:037577

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

CRM-M-2541-2024 (O&M)

Date of decision : 15.03.2024

ADARSH KUMAR

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ankul Lal, Advocate for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

On 23.01.2024, the following order was passed :-

Apprehending his arrest in FIR No.448 dated 13.08.2023 registered for offence punishable under Sections 420, 467, 468, 471 & 120-B IPC at Police Station Tosham, District Bhiwani, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter-alia submits that petitioner has nothing to do with the verification and the physical inspection on the basis of which subsidy was released and thus the allegations qua him would be different from the one alleged against Harpal Singh, Agriculture Inspector and rather the petitioner will be at parity with Ashok Chahar, ASCO.

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.

To be heard along with CRM-M No.61570 of 2023 on 15.03.2024, as prayed for.

In the meantime, interim orders in the same terms as in CRM-M No.61570 of 2023.

2. Today, Ld. State Counsel on instructions from SI Ranbir 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 23.01.2024 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 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.

March 15, 2024

Dpr

(Pankaj Jain)

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No