

2024:PHHC:057919

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

252

CRA-S-446-2024 (O&M)
Date of decision : 24.04.2024

Rajrani and another

Appellants

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. G.S. Bhinder, Advocate
for the Appellants.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. Status report by way of affidavit of Joginder Singh, Deputy Superintendent of Police, Jind-Headquarter on behalf of respondent No.1-State has been filed. The same is taken on record.
2. While issuing notice of motion on 02.02.2024, following order was passed:-

“The instant appeal has been filed against the order dated 29th of January, 2024 passed by Addl. Sessions Judge, Jind whereby the anticipatory bail petition of the appellants in case FIR No.670 dated 29.12.2023 registered for the offences punishable under Sections 323, 452, 294, 506/34 of IPC (later on added Section 3(1)(S), 3(1)(R) of SC & ST (Prevention of Atrocities), Act 1989, at Police Station City Jind, District Jind, has been dismissed on the ground of non-maintainability.

Counsel for the appellants *inter alia* submits that the allegations *qua* the appellants is w.r.t.

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instigating the main accused Pawan and apart from bald statement that the appellants were instigating him, there is no specific allegation *qua* the present appellants.

Issue notice of motion returnable for 24.04.2024.

Mr. Gaurav Bansal, DAG, Haryana appears and accepts notice on behalf of the respondent/State.

In the meantime, in the event of arrest, the appellants 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 appellants shall join the investigation. They shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

3. Today, learned State counsel, on instructions from DSP Jogender Singh, has stated that pursuant to the order dated 02.02.2024, the appellants have joined investigation and are no longer required for custodial interrogation.

4. In view of above, the interim order dated 02.02.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. This order should not be treated as "blanket" order. It will not be read granting appellants 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.

6. 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 appellants.

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7. The appellants 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 appellants in case the occasion arises.
8. 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.
9. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.
10. Disposed off accordingly.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

24.04.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No