

2024:PHHC:049630

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-8339-2024
Date of decision : 10.04.2024

Shashi Bala Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Sagar Ratusaria, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 16.02.2024, following order was passed:-

“Apprehending her arrest in FIR No.651 dated 24.10.2020, registered for offences punishable under Sections 406, 419, 420, 465, 467, 468, 471 of the Indian Penal Code, 1860 at Police Station Sirsa City, Sirsa, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Ld. Counsel for the petitioner *inter alia* contends that the matter relates to Financial Year 2011-12. FIR has been registered in 2020. Apart from that the Haryana VAT Act is complete Code and w.r.t. the evasion of tax, offences and penalties have been prescribed therein and thus, the petitioner ought not have been booked for offences punishable under Penal Code.

Issue notice of motion, returnable for 10.04.2024.

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

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to her furnishing personal and surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. As and when called, the petitioner shall join the investigation. She shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

2. Today, learned State counsel, on instructions from Investigating Officer, has stated that pursuant to the order dated 16.02.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 16.02.2024 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

10.04.2024

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Whether speaking/reasoned :	Yes
Whether Reportable :	No