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2024:PHHC:047384

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

CRM-M-10353-2024

Date of decision : 08.04.2024

AVI PANCHIT @ AVI SHARMA

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Ms. Nisha Rana, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

On 28.02.2024, the following order was passed :-

“Apprehending his arrest in FIR No.17 dated 18.02.2023, registered under Sections 452/324/427/341/506/148/149/120-B IPC and Section 307/326 IPC added later on at Police Station City Banga, District Shaheed Bhagat Singh Nagar, Punjab, petitioner seeks pre-arrest bail.

Learned counsel for the petitioner inter alia relies upon the order dated 05.02.2024 passed in CRM-M No.6055 of 2024 whereby co-accused namely Gursharan @ Chitta has been granted the benefit of pre-arrest bail.

Notice of motion.

On the asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent-State.

To come up along with CRM-M No.6055 of 2024 on 08.04.2024, as prayed for.

Interim orders in the same terms.”

2. Today, Ld. State Counsel on instructions from ASI Ram Shah 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 28.02.2024 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.

April 08, 2024

Dpr

(Pankaj Jain)

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No