

CRM-M-11767-2024

2024:PHHC:074642



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-11767-2024

Date of decision : 23.05.2024

Anuj Kumar

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. M.R. Sharma, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 19.03.2024, following order was passed:-

“Apprehending his arrest in FIR No.31 dated 04.08.2023, registered for offences punishable under Sections 419, 420, 467, 468, 471, 120-B and 201 of IPC at Police Station Cyber Crime, Central Faribadad, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Reply by way of affidavit of Abhimanyu Goyat, HPS, Assistant Commissioner of Police, Cyber, Faridabad on behalf of the respondent-State has been filed. The same is taken on record.

Counsel for the petitioner *inter alia* submits that the money already stands returned to the complainant by the main accused. The only allegation against the petitioner is that he was seen withdrawing the money from ATM which is suspected to be the amount of fraud.



Notice of motion for **23.05.2024**.

Mr. Gaurav Bansal, DAG, Haryana, 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 his furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

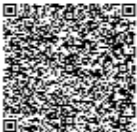
2. Today, learned State counsel, on instructions from ASI Dharmender, has stated that pursuant to the order dated 19.03.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 19.03.2024 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.



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

23.05.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No