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2024:PHHC:012244

CRM-M-13089-2023
Date of decision : 30.01.2024

Versus

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Mr. Sapan Dhir, Advocate for the complainant.

On 16.03.2023, the following order was passed :-

Learned counsel for the petitioner submits that that the petitioner has been falsely implicated in the present case. It was duly stated in the agreement that the Rice Sheller is mortgaged with the Bank of Baroda and already seized by the bank for non-payment of the loan amount. The complainant signed the

agreement after duly verifying all the aspects relating to the Rice Sheller. The complainant has caused loss to the petitioner as due to the act of the complainant, the Rice Sheller has remained idle. The petitioner requested time and again to the complainant to take possession of the Rice Sheller but he had changed his mind and backed out from the agreement. The petitioner is already ready and willing to join the investigation.

Notice of motion.

On the asking of the Court, Mr. Munish Sharma, Asstt. A.G., Haryana, who is present in the Court, accepts notice on behalf of the respondent-State and seeks time to file reply.

At this stage, Mr. Amit Sharma, Advocate has put in appearance on behalf of the complainant and filed his power of attorney in the Court which is taken on record.

Learned counsel for the complainant has vehemently opposed the present petition and also seeks time to file reply.

Adjourned to 12.07.2023.

In the meanwhile, the petitioner is directed to join the investigation and appear before the Investigating Officer within 10 days from today and on his doing so, the petitioner shall be released on interim anticipatory bail subject to his furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) of the Cr.P.C.

2. Today, Ld. State Counsel on instructions from SI Parmod 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 16.03.2023 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.

January 30, 2024
Dpr (Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No