

CRM-M-15153-2023

Date of decision : 07.03.2024

Karambir

....Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Amaninder Preet, Advocate for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

Mr. Raj Kumar, Advocate for the complainant.

PANKAJ JAIN, J. (ORAL)

On 08.08.2023, the following order was passed :

“1. The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail in FIR mentioned below:-

| FIR No. | Dated                           | Police Station               | Sections                 |
|---------|---------------------------------|------------------------------|--------------------------|
| 67      | 15 <sup>th</sup> February, 2023 | Bahalgarh, District Sonapat. | 406 and 420 of IPC, 1860 |

2. On 24<sup>th</sup> March, 2023, notice of motion was issued and arrest of the petitioner was stayed.
3. Learned State counsel submits that consequently the matter could not be proceeded.
4. Interim order dated 24<sup>th</sup> March, 2023 is modified to the extent that arrest of the petitioner is stayed, subject to his joining investigation within ten days.
5. List on 15<sup>th</sup> September, 2023.”

2. Today, Ld. State Counsel on instructions from SI Samunder Singh 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 08.08.2023 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.

March 07, 2024  
Dpr

(Pankaj Jain)  
Judge

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