



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

265

CRA-S-1200-2024
Date of decision: 27.05.2024

Amit Kumar Appellant

Versus

State of Haryana and another Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Ranjit Saini, Advocate for the appellant.
Mr. Ramesh Kumar Ambavta, AAG, Haryana.

PANKAJ JAIN, J.(ORAL)

1. While issuing notice of motion on 21.03.2024, following order was passed:-

“Apprehending his arrest in FIR No.18 dated 01.02.2024, registered for offences punishable under Sections 3-33-89 of SC/ST Act at Police Station Rojka Meo, District Nuh, the appellant has preferred this appeal seeking pre-arrest bail.

Counsel for the appellant inter alia submits that the allegation against the petitioner even if taken on its face value, would not constitute offence punishable under Section 3 of the SC/ST Act.

Notice of motion for 27.05.2024.

Mr. Gaurav Bansal, DAG, Haryana, accepts notice on behalf of respondent No.1-State.

In the meantime, in the event of arrest, the appellant 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 appellant shall join the investigation”.

2. Today, learned State counsel, on instructions from Inspector



Devender Kumar, has stated that pursuant to the order dated 21.03.2024, the appellant has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 21.03.2024 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 appellant 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 appellant 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.

27.05.2024
D.Bansal

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No