

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15949-2024

Date of Decision: 28.10.2024

MOHIT JAIN

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Vivek Varun, Advocate
for the petitioner.
Mr. Bhupender Singh, DAG, Haryana.

Ms. Isha Janjua, Advocate
for the complainant.

KULDEEP TIWARI, J. (Oral)

On 15.10.2024, this Court had passed the hereinafter extracted
order, upon the instant petition:-

In compliance to order dated 16.09.2024, a supplementary status report dated 14.10.2024, by way of affidavit of Mr. Virender Singh. HPS, Assistant Commissioner of Police, East, Gurugram, on behalf of the respondent No.1-State of Haryana, furnished by learned State counsel today in the Court. The same is taken on the record.

Perusal of the status report (supra), shows that despite the directions issued by this Court to the petitioner, on dated 16.09.2024, to cause appearance before the learned CJM/Illaq Magistrate/Duty Magistrate, concerned, for the purpose of joining the investigation, however, the petitioner has failed to join the investigation. Earlier also, the petitioner was granted several opportunities to join the investigation, but the petitioner failed to join.

Learned counsel for the petitioner today submits that on account of the medical emergency, as the petitioner underwent surgery, he could not cause appearance before the learned CJM/Illaq Magistrate/Duty Magistrate, concerned, on or before dated 25.09.2024, as directed by this Court. He further submits that the petitioner is ready and willing to join the investigation.

Though the conduct of the petitioner does not entitle him to grant one more opportunity to join the investigation, however, since the matter has been compromised, between the complainant and the present petitioner, therefore, purely in the interest of justice, one last opportunity is granted to the petitioner to rejoin the investigation.

The petitioner shall cause appearance before the learned CJM/Illaq Magistrate/Duty Magistrate, concerned on dated 24.10.2024, and thereupon, move an application, praying therein, to join him in the investigation by the investigating officer concerned.

In case, the petitioner appears, and moves such application, the Magistrate concerned, shall call upon the investigating officer, and direct him to join the petitioner in investigation, in terms of the instant order passed by this Court. However, this relief is extended to the petitioner subject to the cost of Rs.50,000/- to be deposited with the District Legal Service Authority, concerned.

In case, the petitioner fails to make compliance of the order (supra), this petition would be deemed to be dismissed, without any further reference to this Court.

Adjourned to 28.10.2024.

2. Today, Mr. Vivek Varun, Advocate has caused appearance on behalf of the petitioner and has filed his duly executed Power of Attorney duly in his favour. He after having instructions from the petitioner, who himself is present in Court today, submits that the petitioner has joined the investigation, and the cost, which was imposed upon him, has been deposited, for which he has filed on record the copy of the transaction, as Annexure-A, which is taken on record.

3. Today, the learned State counsel on instructions imparted to him by ASI Joginder Singh, stated that pursuant to the making of the hereinabove extracted order, the petitioner had joined investigation and is no longer required for custodial interrogation.

4. In view of the above, the hereinabove extracted interim order dated 15.10.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

- “(i) the petitioner(s) shall not commit an offence similar to the present offence;
- (ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the

facts of the case;

(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

5. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) 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.

6. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

7. All pending application(s), if any, also stand **disposed** of accordingly.

(KULDEEP TIWARI)
JUDGE

28.10.2024

kv

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