

101+203

2024:PHHC:036577

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-18909-2023 (O&M)

Date of decision : 14.03.2024

MOHAMMAD SHAFIK KHAN

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Tanvir S. Grewal, Advocate for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

On 18.04.2023, the following order was passed :-

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.236 dated 25.08.2020 registered under Sections 406, 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 (Sections 467, 468, 471 and 120-B of the IPC were added later on) at Police Station Farrukh Nagar, District Gurugram.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The petitioner is not named in the FIR and his name has come on record on the disclosure statement made by co-accused. The petitioner has nothing to do with the alleged offence. No money has been received by the petitioner in his bank account. Nothing is to be recovered from the petitioner and his custodial interrogation is not required in the case. 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.

Adjourned to 04.08.2023.

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 ASI Manoj Kumar 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 18.04.2023 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.
9. Pending application, if any, shall also stand disposed off.

March 14, 2024
Dpr

(Pankaj Jain)
Judge

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