



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-20899-2024
Date of decision : 22.10.2024

Harpreet Singh @ Harpreet Singh Toor Petitioner

versus

State of Punjab and another Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Lupil Gupta, Advocate and
Mr. Nitin Goswami, Ms. Bhumia,
Mr. Hritik Sharma, Mr. Simranjeet Singh
Mr. Tarun Chawal, Advocates
for the petitioner.

Mr. Solomon Partap Singh, AAG, Punjab.

None for the complainant.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 29.04.2024, following order was passed:-

“Apprehending his arrest in FIR No.83 dated 21.08.2023, registered for offences punishable under Sections 420, 406 and 120-B of IPC at Police Station Sadar Moga, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Counsel for the petitioner relies upon *Arnesh Kumar vs. State of Bihar*, reported as (2014) 8 SCC 273 to submit that the petitioner joined pursuant to notice under Section 41-A of IPC despite that he apprehends arrest.

Notice of motion for 22.07.2024.



Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of respondent No.1-State and Mr. Madan Lal Saini, Advocate accepts notice on behalf of respondent No.2.

State counsel joins issue and on instructions from ASI Malkit Singh, submits that the petitioner was served with the notice under Section 41-A of the Code but failed to comply with the same.

In the meantime, in the event of arrest, the petitioner 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 petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

2. Today, learned State counsel, on instructions from Investigating Officer, has stated that pursuant to the order dated 29.04.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 29.04.2024 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 petitioner 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 petitioner in case the occasion arises.
7. It will be open to the police or the investigating agency to move to 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.

(PANKAJ JAIN)
JUDGE

22.10.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No