

2024-PHHC-114535



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

**CRM-M-26829-2024
Date of Decision : 03.09.2024**

DEEPAK ALIAS LAADI MOTA

.....Petitioner(s)

VERSUS

STATE OF PUNJAB

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Ankit Kharbanda, Advocate,
for the petitioner(s).

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. On 17.07.2024, a co-ordinate bench of this Court had passed the hereinafter extracted order, upon the instant petition:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in case registered against him vide FIR No.0004 dated 16.01.2024 under Sections 399 and 402 IPC and Sections 25, 25(6), 25(7) and 25(8) of the Arms Act, 1959 at Police Station State Special Operations Cell Amritsar, District Intelligence Wing (CID).

A short reply dated 15.07.2024 filed on behalf of the respondent-State is taken on record.

The learned counsel for the petitioner inter alia contends that though the petitioner has been named in the secret information, he was not arrested at the spot and is stated to have fled away which does not appear to be probable when multiple police officials were present at the spot.

Adjourned to 03.09.2024.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- (i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave the country without prior permission of the Court and shall surrender his passport, if any.”

2. Today, the learned State counsel has, on instructions imparted to him by ASI Sukhdeep Singh, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined investigation and he is no longer required for custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 17.07.2024, 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.”

4. 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.

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

September 03, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No