

2024:PHHC:121002



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

CRM-M-27241-2024

Date of Decision : 13.09.2024

ABHISHEK AND ANOTHER

....Petitioner(s)

VERSUS

STATE OF HARYANA

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Rishi Pal Chaudhary, Advocate,
for the petitioner(s).

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J.(Oral)

1. On 28.05.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioners seek the concession of anticipatory bail, in case FIR No.785 dated 13.11.2023, under Section 148, 149, 323, 324, 341, 427, 506 and 326 (added subsequently) of the IPC, registered at P.S. Shahabad, District Kurukshetra.

2. The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present FIR, whereas, no specific injury or role has been attributed therein to them. In fact, the complainant of the present case is himself a gangster, who along with his goons, disturb the peace of the locality. Moreover, on two earlier occasions, the complainant of the present case had, along with his goons, intruded into the house of the petitioners and opened assault, whereupon, FIR No.786 dated 14.11.2023 and FIR No.857 dated 09.12.2023 were registered at P.S. Shahabad, at the behest of the petitioners.

3. Notice of motion for 15.07.2024.

4. Mr. Bhupender Singh, D.A.G., Haryana, accepts notice on behalf of respondent-State of Haryana.

5. In the meantime, the petitioners are directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of their arrest, they shall be admitted to interim

bail on their furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

2. Upon the petitioners joining the investigation, but not co-operating with the investigating agency, which led this Court to pass the orders dated 15.07.2024 and dated 07.08.2024, directing them to re-join the investigation and to fully co-operate.

3. Today, the learned State counsel has, on instructions imparted to him by the official concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined investigation and they are no longer required for custodial interrogation.

4. In view of the above, the hereinabove extracted interim order dated 28.05.2024, 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.

September 13, 2024

dharamvir

(KULDEEP TIWARI)
JUDGE

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