

202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29404 of 2023

Date of decision : 10.01.2024

Darshan Singh

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Manoj K. Sharma, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana

PANKAJ JAIN, J. (ORAL)

1. The petitioner has prayed for grant of pre-arrest bail in FIR No.0068 dated 02.03.2023 registered under Sections 420, 467, 468, 471, 120-B of IPC at Police Station Kalka, District Panchkula, Haryana.
2. On 05.06.2023 while issuing notice of motion the following order was passed:-

“Th instant petition under Section 438 Cr.P.C, has been filed for grant of anticipatory bail to the petitioner in FIR No.0068, dated 02.03.2023, under Sections 420, 467, 468, 471, 120-B of IPC, 1860, registered at police Station Kalka, District Panchkula.

Learned counsel for the petitioner contends that the complainant purchased a land measuring 5 bigha, 9 biswas, 4 biswasi through Special Power of Attorney namely Barinder Singh vide registered sale deed No.3175/I from one Surjit Singh and Gurnam Singh. It is further contended that in the above said transaction land measuring 0 bigha, 11 biswa, 12 biswasi was alienated in favour of the complainant through GPA of Ravi namely Kapil, to which the later came to know that it is a forged document and the same was executed by someone else impersonating himself as Ravi. It is the case of the petitioner that he has been falsely implicated, wherein the registration of instant FIR is a counter blast and a device to harass and humiliate

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the accused-petitioner, who has nothing to do or is involved in any manner to the instant dispute, and, therefore, prays for grant of anticipatory bail before this Court.

Learned counsel for the petitioner has further put reliance to an order dated 22.05.2023, wherein co-accused of the petitioner has been released on interim bail.

Notice of motion.

On asking of the Court, Mr. Gagandeep Singh Chhina, AAG, Haryana accepts notice on behalf of respondent-State, who seeks time to get instructions.

In the meantime, the petitioner is directed to be released on interim bail in case he joins the investigation on furnishing personal surety/security bonds to the satisfaction of Arresting Officer/Investigating Officer. The petitioner will also come present as and when called for and cooperate in investigation and shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Adjourned to 18.09.2023."

3. Today, learned State counsel, on instructions from ASI Verinder Singh, has stated that pursuant to the order dated 05.06.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the interim order dated 05.06.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. 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.

6. 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.

7. The petitioner shall be deemed to be in custody for the

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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.

8. 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.
9. Petition stands disposed off.
10. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.
11. Pending applications if any, shall stand disposed off.

(PANKAJ JAIN)
JUDGE

10.01.2024
spn

Whether speaking/reasoned	Yes
Whether Reportable :	No