

2024:PHHC:041536

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-30856-2023
Date of decision : 20.03.2024

William Masih @ Babbu Masih Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Manish Prabhakar, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 03.07.2023, following order was passed:-

“Apprehending his arrest in FIR No.85 dated 23.06.2018, registered for offences punishable under Sections 323, 324, 452 & 34 of the Indian Penal Code, at Police Station Dera Baba Nanak, District Gurdaspur, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Ld. Counsel for the petitioner *inter alia* contends that even though the petitioner was repeatedly granted indulgence and he failed to abide by the process of law. The petitioner had cogent reasons for not appearing and in order to show his *bona fide* the petitioner is ready to deposit a cost of Rs.20,000/-.

Issue notice of motion, returnable for 12.10.2023.

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Mr. Tarun Aggarwal, Sr. Dy. Advocate General, Punjab appears and accepts notice on behalf of the respondent/State.

In the meantime, in the event of arrest, only on deposit of the aforesaid cost by the petitioner, he 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. Counsel for the petitioner has produced order dated 13.03.2024 to show that the petitioner is attending trial and is on bail.

3. In view of above, the interim order dated 03.07.2023 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.

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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. 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

20.03.2024

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Whether speaking/reasoned :	Yes
Whether Reportable :	No