



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

CRM-M-29819-2024

Date of Decision : 14.10.2024

DARSHAN KUMAR ALIAS DARSHI

....Petitioner(s)

VERSUS

STATE OF PUNJAB

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. P.K.S.Phoolka, Advocate,
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. On 13.06.2024, 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 petitioner seeks the concession of anticipatory bail, in case FIR No.16 dated 18.02.2024, under Sections 454, 380, 411, 201 of the IPC, registered at P.S. Talwandi Sabo, District Bathinda.
2. The learned counsel for the petitioner submits that neither the name of the petitioner reflects in the FIR, nor any role whatsoever has been assigned to him therein. The only piece of evidence, which constitutes the bedrock for the investigating agency to arrest the petitioner, is the disclosure statement of co-accused Randeep Singh, wherein, he alleged that the stolen articles were sold to some unknown person running a shop at Hanumangarh City. First of all, since this disclosure statement was obtained in police custody, therefore, it cannot be taken into consideration, and secondly, this disclosure statement does not at all connect the petitioner with the alleged crime, inasmuch as, the petitioner belongs to Village Ghuda, District Bathinda.
3. The learned counsel for the petitioner further submits that the present FIR suffers from the vice of delay, inasmuch as, the alleged occurrence took place on 11.02.2024, whereas, the present FIR was registered on 18.02.2024, i.e. after delay of 7 days.
4. At this stage, Mr. Arshpreet Khadial, Advocate, records his appearance for the complainant through video conferencing and vociferously opposes the grant of anticipatory bail to the petitioner.
5. Notice of motion for 01.08.2024.
6. Mr. Akshay Kumar, A.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.

7. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

2. Upon the petitioner joining the investigation, but not co-operating with the investigating agency, which led this Court to pass the order dated 01.08.2024, directing him 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 he is no longer required for custodial interrogation.

4. In view of the above, the hereinabove extracted interim order dated 13.06.2024, 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.

7. All pending application(s) stand **disposed** of accordingly.

October 14, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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