

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

CRM-M-31166-2023

Date of decision : 13.02.2024

DAULAT RAM

....Petitioner

Versus

STATE OF HARYANA

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Rishab Dhiman, Advocate for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

On 26.06.2023, the following order was passed :-

“Petitioner prays for pre-arrest bail in FIR No.213, dated 31.05.2023, registered under Section 3 of the Prevention of Damage to Public Property Act, 1984 and under Section 379, 427 IPC, at Police Station Sadar Dabwali, District Sirsa.

Learned counsel representing the petitioner inter alia contends that two resolutions were passed by the elected body of the Gram Panchayat seeking permission of the competent authority to cut and remove the trees near the Girls Hostel. He submits that the petitioner being elected Sarpanch has already taken steps for recovery of the value of the trees against Ram Sarup and he is sought to be falsely implicated.

Notice of motion.

On asking of the Court, Mr. Samarth Sagar, Addl. AG, Haryana, accepts notice on behalf of the State.

List on 08.08.2023.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

2. Status report by way of affidavit of Rajender Singh, HPS, DSP, Dabwali, District Sirsa has been filed on behalf of respondent-State today in Court, which is taken on record. Copy supplied.

3. Today, Ld. State Counsel on instructions from ASI Vijay Kumar submits that the petitioner though has joined the investigation but is not cooperating as he has not disclosed the names of the co-accused.
4. In the considered opinion of this Court, non-disclosure of names of co-accused cannot be a ground for denying pre-arrest bail.
5. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 26.06.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.
6. This order should not be treated as "blanket" order. It will not be read granting the 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.
7. 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.
8. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.
9. 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.
10. Petition stands disposed off accordingly.

February 13, 2024
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No