

202

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision :09.01.2024

1

CRM-M No.33761of 2022

Pawan Kumar and anr.

....Petitioner

Versus

State of Haryana

.....Respondent

2

CRM-M No.35483 of 2022

Munish Kumar

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Rajeshwar Singh, Advocate
for the petitioner in both cases.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

1. This order shall dispose off above mentioned two petitions.
2. The petitioner in both the cases has prayed for grant of pre-arrest bail in FIR No.420 dated 11.07.2022 registered under Sections 384, 389, 464, 469, 471, 120-B of IPC, at Police Station Ambala Cantt., District Ambala.
3. While issuing notice of motion on 02.02.2023, following order was passed:-

“These are two petitions under Section 438 read with Section 482 Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.420 dated 11.07.2022, under Sections 384, 389, 464, 471, 120-B of IPC, registered at Police Station Ambala Cantt., District Ambala.

As per version of the prosecution, the allegations against the petitioners are that they, in order to malign the reputation and dignity of Police Department in general and in order to benefit and to cause wrongful gain to them, published two news items dated 25.02.2022 and 06.07.2022 with wrong and manipulated facts, without verifying the factual scenario from the concerned Authorities. Further allegations are that they, under a nexus, extort ordinary people in general by black-mailing them and publish factually wrong news items in order to benefit criminals. Under the said nexus, on behalf of the accused persons, petitioner Sunil Kumar @ Sunil Brar demanded money from the complainant, who is police official for not publishing factually wrong news items, having tendency to malign the reputation of the police.

Learned State counsel has opposed the prayer made by learned counsel for the petitioners submitting that the petitioners, under criminal conspiracy, by publishing news items with factually wrong scenario, have maligned the dignity and reputation of police in public and they have also committed extortion by black-mailing victims namely Vishesh Kumar and Amit Kumar.

Heard.

The petitioners are Press Reporters. They publish the news items. The version of the prosecution is that the said news items were published without verifying the facts and in order to malign the reputation of the police in public. At this stage, it is debatable whether publishing the news items without verifying the facts would attract the provisions of Sections mentioned in the FIR in question.

The petitioners belong to fourth pillar of the democracy and the democracy cannot survive without the freedom of speech. The petitioners are ready to join investigation.

Adjourned to 12.04.2023.

In the meanwhile, the petitioners are directed to join investigation as and when required by the Investigating Agency. In the event of petitioners joining investigation, they shall be admitted to interim bail by the Arresting Officer/Investigating Officer on furnishing of bail bonds/surety bonds by them, to the satisfaction of the Arresting

Officer/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

A photocopy of this order be placed on the file of the other connected matter.”

4. Today, learned State counsel on instructions has stated that pursuant to the order dated 02.02.2023, the petitioners in both the cases have joined investigation and they are no longer required for custodial interrogation.

5. In view of above, interim order dated 02.02.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

6. 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.

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 in both the cases.

8. The petitioner in both the cases 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.

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. Petitions stand disposed off.
11. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

09th January, 2024
spn

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes
No