

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

1 **Date of decision : 08.01.2024
CRM-M No.34321 of 2023**

Devender alias Bhandari **....Petitioner**

Versus

State of Haryana **.....Respondent**

2 **CRM-M No.37630 of 2023**

Surender alias Pardeep alias Gutru **....Petitioner**

Versus

State of Haryana **.....Respondent**

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Aditya Sanghi, 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.285 dated 21.11.2022 registered under Sections 427, 436, 34, 120-B, 210 and 216 of IPC, at Police Station Nangal Chaudhary, District Mahendergarh.
3. While issuing notice of motion in CRM-M-37630-2023, following order was passed:-

“This petition has been preferred under Section 438 Cr.P.C by the

petitioner, seeking concession of anticipatory bail in case FIR No.285, dated 21.11.2022 under Sections 427/436/34/120B/201/216 IPC, registered at Police Station Nangal Chaudhary, District Mahendergarh.

Learned counsel for the petitioner inter alia submits that though petitioner has been named in the FIR but no role has been attributed to him. It is submitted that the case set up by the complainant is that 3/4 persons had come to his shop, broke open the locks and set the shop on fire by sprinkling petrol. It is further submitted that the role of the petitioner sought to be investigated is that of criminal conspiracy with the co-accused, who has already been granted concession of anticipatory bail vide order dated 19.07.2023 passed in CRM-M-34321-2023.

Notice of motion.

On advance notice, Mr. Gurbir Singh Dhillon, AAG, Haryana, puts in appearance on behalf of the respondent-State and waives service.

Learned State counsel while opposing the bail submits that the petitioner has the motive of business rivalry, being in the same trade. However, he is not in a position to refute that the offence of conspiracy would be with the co-accused, who has already been granted the concession of pre-arrest bail. He seeks time to file reply/status report.

List along with CRM-M-34321-2023, on 19.09.2023.

In the meanwhile, petitioner shall join investigation and would associate as and when called. In the event of arrest, the petitioner shall be admitted to ad interim bail on his furnishing personal bonds and surety to the satisfaction of Arresting Officer/Investigating Officer. The petitioner shall abide by the conditions specified in Section 438(2) Cr.P.C.”

4. Today, learned State counsel, on instructions from ASI Babu Lal, has stated that pursuant to the order dated 19.07.2023 passed in CRM-M-34321-2023 and order dated 03.08.2023 passed in CRM-M-37360-2023, the petitioners in both the cases have joined investigation and they are no longer required for custodial interrogation.

5. In view of above, interim orders dated 19.07.2023 passed in CRM-M-34321-2023 and dated 03.08.2023 passed in CRM-M-37360-2023 passed by this Court are 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.

(PANKAJ JAIN)
JUDGE

08.01.2024
spn

Whether speaking/reasoned	Yes
Whether Reportable :	No