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CRM-M-35535-2023 (O&M)

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

**CRM-M No.35535 of 2023 (O&M)
Date of decision : 27.05.2024**

Inderjit Singh

..... Petitioner

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Ms. Poonam Saroya , Advocate and
Mr. Gautam Kalia, Advocate for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana

Mr. S.K.Gupta, Advocate for the complainant.

PANKAJ JAIN, J. (ORAL)

1 On 25.07.2023 the following order was passed :-

“Apprehending his arrest in FIR No. 0395 dated 07.07.2023 for offences punishable under Sections 323,365, 452 & 506 IPC, 1860 registered at Police Station Mahesh Nagar, District Ambala, the petitioner has preferred this petition under Section 438 Cr.P.C seeking pre-arrest bail.

Learned counsel for the petitioner inter alia contends that the complainant as well as the petitioner are in the midst of matrimonial discord and during the currency thereof the petitioner is being accused of kidnapping his own child.

Notice of motion.

Mr. Gaurav Bansal, DAG, Haryana who is present in Court accepts notice.

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In the meantime, in the event of arrest, the petitioner 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.

To come up on 16.10.2023.”

2 As per report received from the Mediator, the proceedings remained non-starter for want of presence of respondent No.2.

3 Learned State counsel on instructions from ASI Parvesh Kumar has stated that pursuant to the order dated 25.07.2023, the petitioner has joined investigation and is no longer required for custodial interrogation. Mediation could not succeed.

4 In view of above, the interim order dated 25.07.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5 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.

6 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.

7 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

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occasion arises.

8 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.

9 Petition stands disposed off.

10 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

27.05.2024
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No