

CRM-M No.41726 of 2023

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M No.41726 of 2023

Date of decision : 11.03.2024

Ved Parkash

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Atul Prataap Dhankhar, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

Mr. Ravinder Hooda, Advocate
for respondent No.2.

PANKAJ JAIN, J. (ORAL)

1 The petitioner has prayed for grant of anticipatory bail in FIR No. 142 dated 03.05.2023 registered under Sections 307, 34 of IPC, 1860 and Sections 25, 54 and 59 of the Arms Act, 1959 registered at Police Station Sector Civil Lines, Sonipat.

2 On 23.08.2023, while issuing notice of motion the following order was passed:-

“Apprehending his arrest in FIR No.142 dated 03.05.2023 registered for offence punishable under Sections 307, 34 of IPC and Sections 25, 54 and 59 of the Arms Act, 1959 at Police Station Sector Civil Lines, Sonipat, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia submits that it is a case of no injury and apart therefrom the allegation that the petitioner handed over his licensed weapon to co-accused Pankaj, thus it is a case where

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there is no allegation against the petitioner.

Notice of motion.

On the asking of the Court, Mr. Gaurav Bansal, D.A.G., Haryana accepts notice on behalf of the respondent-State.

Adjourned to 16.11.2023.

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.”

3 Today, learned State counsel, on instructions from ASI Vijender Singh has stated that pursuant to the order dated 23.08.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

4 In view of above, the interim order dated 23.08.2023 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 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.

11.03.2024
spn

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable :	No