

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.42143 of 2023
Date of decision : 11.03.2024

Gaurav Dhir Petitioner

versus

State of Haryana and anr. Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Tushar Gautam, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

Mr. Amit Sharma, Advocate
for respondent No.2.

PANKAJ JAIN, J. (ORAL)

1 The petitioner has prayed for grant of anticipatory bail in
FIR No.140 dated 15.04.2023 registered under Sections 406, 468 and
471 of Indian Penal Code at Police Station Sector 40, Gurugram.

2 On 28.08.2023, while issuing notice of motion the following
order was passed:-

*“Apprehending his arrest in FIR No.140 dated
15.04.2023, registered under Sections 406/468/471 IPC at Police
Station Sector 40. Gurugram, petitioner seeks pre-arrest bail.

Learned counsel for the petitioner inter alia submits that
the petitioner already stands admitted to regular bail in the
offence related to evasion of GST and the present case is outcome
of disclosure made by the co-accused in the said case.

Notice of motion for 22.11.2023.

On the asking of the Court, Mr. Gaurav Bansal, DAG,
Haryana and accepts notice on behalf of the respondent-State.*

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Mr. Amit Sharma, Advocate has entered appearance on behalf of respondent No.2.

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 Narpal Singh has stated that pursuant to the order dated 28.08.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

4 In view of above, the interim order dated 28.08.2023 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