

2024:PHHC:059825

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207-1

CRM-M-42799-2023
Date of decision : 30.04.2024

Harpreet Singh Petitioner

versus

State of Haryana Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Amit Sharma, Advocate
for the petitioner (Through V.C.)

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 29.08.2023, following order was passed:-

“Apprehending his arrest in FIR No.273 dated 03.06.2023 registered for offence punishable under Sections 406 & 420 IPC at P.S. Baldev Nagar, Ambala, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Counsel for the petitioner submits that the petitioner was ready and willing to pay back whole of the money and qua that compromise was effected between the parties which is placed on record as Annexure P-4. Further submits that however after accepting Rs.50,000/- the complainant has now resiled from the compromise and the petitioner is still ready to pay back the money.

Notice of motion.

On asking of the Court, Mr. Gaurav Bansal, D.A.G., Haryana appears and accepts notice on

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behalf of the respondent/State.

Adjourned to 23.11.2023.

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.”

2. Counsel for the petitioner submits that the matter stands compromised and the petitioner is already before this Court in a connected quashing petition i.e. CRM-M-3238-2024.

3. In view of above, the interim order dated 29.08.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. 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.

5. 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.

6. 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.

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7. 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.
8. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.
9. Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

30.04.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No