

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-49294-2023
Date of decision : 23.01.2024

Balvir Singh Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Shakti Mehta, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 12.10.2023, following order was passed:-

“Apprehending his arrest in FIR No.0086 dated 19.08.2023 registered for offence punishable under Sections 409, 406, 420, 465, 468, 471, 120-B IPC at Police Station Haryana, District Hoshiarpur, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Counsel for the petitioner submits that in order to show his *bonafide* the petitioner is ready to deposit a sum of Rs.1 lakh by way of demand draft as the allegation against the petitioner is that he being Secretary of the Cooperative Society received installments from the borrower of the Society but never deposited the same and the total amount is stated to be Rs.1,13,050/-.

Notice of motion.

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On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent/State.

Adjourned to 23.01.2024.

Meanwhile, the said demand draft of Rs.1 lakh bearing DD No.868897 dated 11.10.2023 is handed over to S.I. Bikramjit Singh, who is present in Court, to be further handed over by him to the Cooperative Society.

Needless to say that the payment of the Cooperative Society will abide by the decision of the trial.

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. Today, learned State counsel, on instructions from ASI Avtar Singh, has stated that pursuant to the order dated 12.10.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 12.10.2023 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.

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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.
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

23.01.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No