

2024:PHHC:002446

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-51821-2023
Date of decision : 05.01.2023

Pramod and others Petitioners

versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Johan Kumar, Advocate
for the petitioners.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

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

“The present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No.715 dated 30.08.2023, registered under Section 380 IPC at Police Station Sector 58, District Faridabad.

Learned counsel submits that an FIR No.585 was registered on 30.08.2023, under Section 411 IPC at Police Station City Palwal, when the items allegedly stolen by the petitioners were recovered, wherein they were granted bail by the trial Court vide order dated 01.09.2023, Annexure P-4. While the FIR in question was registered on the same day regarding the said theft of articles, which were partially recovered in the above FIR, the other articles being 06 pillows and 01 mercury light. The petitioner is not involved in any other case and is

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ready and willing to join the investigation as and when required by the investigating agency and will cooperate.

Notice of motion.

At the asking of the Court, Mr. Jagdish Manchanda, Addl. AG, Haryana accepts notice on behalf of respondent-State.

Adjourned to 05.01.2024.

Meanwhile, the petitioners are directed to join the investigation on or before 03.11.2023. In the event of their arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of conditions as enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioners do not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.”

2. Today, learned State counsel, on instructions from HC Devender 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.

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

05.01.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No