

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51812-2023
Date of decision : 18.01.2024

SURJEET SINGHPetitioner

Versus

STATE OF HARYANA AND ANOTHERRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Dhruv Mittal, Advocate for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

On 17.10.2023, the following order was passed :-

“Apprehending his arrest in FIR No.371 dated 16.09.2023 registered for offence punishable under Sections 420, 406 and 120-B IPC at Police Station Thanesar City, District Kurukshetra, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter-alia submits that its a case of mere agreement to sell which does not violate the order of status-quo as it does not amount to transfer in the eyes of law and thus petitioner ought not have been booked for an offence under Sections 420, 406 and 120-B IPC, more so, when admittedly the complainant himself had been to the office of Patwari.

Notice of motion.

On asking of the Court, Mr. Gaurav Bansal, D.A.G., Haryana. appears and accepts notice on behalf of respondent No.1/State. Adjourned to 18.01.2024.

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, Ld. State Counsel on instructions from ASI Dinesh Kumar submits that the petitioner has already joined investigation and is no more required for custodial interrogation.

3. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 17.10.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.
4. This order should not be treated as "blanket" order. It will not be read granting the 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 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. Petition stands disposed off accordingly.

January 18, 2024

Dpr

(Pankaj Jain)

Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No