

2024:PHHC:003619

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRM-M-52722-2023
Date of decision : 09.01.2024

Shelly @ Sahil Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Ms. Gurmeet Kaur, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 30.10.2023, following order was passed:-

“Instant petition has been filed under Section 438, Cr.P.C., for grant of anticipatory bail in:-

FIR No.	Dated	Police Station	Section(s)
158	13.06.2022	Guhla, District Kaithal	148, 149, 341, 302, 120-B IPC and Section 25 of Arms Act

Counsel for the petitioner asserts that although petitioner has been named in the FIR and is alleged to be accompanying the main accused Rahul, who has been accused of stabbing the deceased, but during investigation, petitioner was found to be innocent. Counsel urges that the weapon of offence has been recovered from the main accused and no recovery is to be effected from the petitioner.

Counsel submits that petitioner has been summoned as an additional accused by order dated 20.09.2023, Annexure P-4, and is prepared to join the proceedings.

Notice of motion.

On asking of the Court, Mr.Gurmeet Singh, AAG, Haryana, accepts notice on behalf of the respondent – State.

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Let the petitioner surrender before the trial Court within a period of two weeks from today. In case he does so, he shall be released on interim bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

List on 09.01.2024.”

2. Order dated 03.11.2023 passed by Additional Sessions Judge, Kaithal has been produced which shows that the petitioner stands admitted to interim bail on furnishing bail bonds in the sum of Rs.1,00,000/- with one surety in the like amount.

3. In view of above, the interim order dated 30.10.2023 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

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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

09.01.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No