



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-51241-2024
Date of Decision : 12.11.2024

PRABHAT KUMAR @ NIKHIL
STATE OF HARYANA

.....Petitioner(s)
VERSUS
.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Himmat Deol, Advocate with
Mr. Rajat Singh, Ms. Anjani Kumar Rai, Advocate,
for the petitioner(s).

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J.(Oral)

1. On 16.10.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

- “1. Through the instant petition, as instituted under Section 482 of the B.N.S.S., 2023, the petitioner seeks the concession of anticipatory bail, in case FIR No.302 dated 21.09.2023, under Sections 120-B, 201, 420 of the IPC, and, Section 61(1)A-4 of Excise Act, 2020, registered at P.S. City Dadri, Charkhi Dadri.
- 2. The learned senior counsel for the petitioner inter alia submits that, the petitioner is not named in the FIR, rather the only piece of evidence, which constitutes the bedrock for the investigating agency to arrest the petitioner, is his co-accused’s disclosure statement (Annexure P2). Except this disclosure statement, which is inadmissible in law, there is no other cogent evidence on record to connect the petitioner with the alleged crime.
- 3. The learned senior counsel also submits that all of the petitioner’s co-accused have already been arrested and granted the concession of bail by the learned trial Court concerned. He further submits that the petitioner is ready to join the investigation and to cooperate with the investigating officer.
- 4. Notice of motion for 12.11.2024.

5. Mr. Rajesh Gaur, Addl. A.G., Haryana, accepts notice on behalf of respondent-State of Haryana.

6. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 482(2) of the B.N.S.S., 2023.”

2. Today, learned State counsel has filed a reply, dated 09.11.2024, by way of an affidavit of Sh.Dheeraj Kumar, DSP/HQ, Charkhi Dadri, in the court, which is taken on record, with a copy thereof supplied to learned counsel for the petitioner.

3. He further, on instructions imparted to him by the official concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) has joined investigation and he is no longer required for custodial interrogation.

4. In view of the above, the hereinabove extracted interim order dated 16.10.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

“(i) the petitioner(s) shall not commit an offence similar to the present offence;

(ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

5. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) 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.

6. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.
7. All pending application(s), if any, also stand **disposed** of accordingly.

November 12, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No