

CRM-M-56175-2023
CRM-M-9249-2024

2024:PHHC:031279
2024:PHHC:031281

209

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: 05.03.2024

CRM-M-56175-2023

MOHINDER PALPetitioner

Versus

STATE OF PUNJABRespondent

CRM-M-9249-2024

RAJNI ALIAS RAJJOPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Manoj Kaushik, Advocate for the petitioner(s).

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

1. While issuing notice of motion in afore-captioned petitions, the following orders were passed :-

in CRM-M-56175-2023

“Apprehending his arrest in FIR No.81 dated 17.05.2023 registered for offence punishable under Sections 420, 120-B IPC at Police Station City Batala, District Batala, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter-alia submits that even if the allegation as levelled in the FIR are taken on their face value and the investigating agency is to be believed, it is only an amount of Rs.1,39,000/- that has travelled to the account of petitioner and the petitioner is ready to deposit the same before this Court and will have no objection in case the same is withdrawn by the complainant.

Notice of motion.

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

Adjourned to 05.03.2024.

In the meantime, subject to payment of Rs.1,39,000/- by the petitioner by way of draft in favour of Registrar (Judicial) of this Court, 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.”

in CRM-M-9249-2024

“Apprehending his arrest in FIR No.81 dated 17.05.2023, registered under Sections 420/120-B IPC at Police Station City Batala, District Batala, petitioner seeks pre-arrest bail.

Learned counsel for the petitioner inter alia relies upon the order dated 15.11.2023 passed in CRM-M-56175 of 2023 whereby co-accused namely Mohinder Pal has been granted the benefit of pre-arrest bail.

Notice of motion.

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

To come up along with **CRM-M-56175 of 2023** on 05.03.2024, as prayed for.

Interim orders in the same terms”

2. Counsel for the petitioners submits that the direction issued by this Court vide order dated 15th of November, 2023 in CRM-M-56175 of 2023 stands complied with and the receipt has been placed on record as Annexure P-4 in CRM-M No.9249 of 2024.
3. Mr. Aggarwal on instructions from ASI Rakesh Kumar submits that the petitioners have already joined investigation and are no more required for custodial interrogation.
4. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 15.11.2023 (in CRM-M-56175-2023) and that dated 21.02.2024 (in CRM-M-9249-2024) are made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.
5. This order should not be treated as "blanket" order. It will not be read granting the petitioners 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. 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 petitioners.
7. The petitioners 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 petitioners in case the occasion arises.

- 8. 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(s), 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.
- 9. Petitions stand disposed off accordingly.
- 10. A copy of this order be kept on the file of other connected case.

March 05, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No