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2024:PHHC:006431

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

CRM-M-56541-2023

Date of decision : 18.01.2024

SUKHDEV SINGH

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Parveen K. Rohilla, Advocate for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

On 08.11.2023, the following order was passed :-

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

Counsel for the petitioner inter alia relies upon order dated 17.10.2023 passed in CRM-M-51812-2023, whereby co-accused Surjeet Singh has been granted indulgence.

Notice of motion for 18.01.2024.

Mr. Gaurav Bansal, DAG, Haryana, accepts notice on behalf of the respondent-State and Mr. Shyam Singh Chhokar, Advocate has put in appearance on behalf of the complainant.

To be heard alongwith CRM-M-51812-2023.

Interim in the same terms as passed in CRM-M-51812-2023.”

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 08.11.2023 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