

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

CRM-M-56646-2023

Date of decision : 30.01.2024

ANIL

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Mohak Arora, Advocate for
Mr. Manish Soni, Advocate for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

On 21.11.2023, the following order was passed :-

“Apprehending his arrest in FIR No.340 dated 11.06.2023, registered under Sections 148/149/285/323/452/506 IPC (Section 325 IPC added later on) & Section 25 (1-B) (a) of Arms Act at Police Station Pataudi, District Gurugram, petitioner seeks pre-arrest bail.

Reply by way of affidavit of Varun Dahiya, HPS, Assistant Commissioner of Police, Crime-1, Gurugram on behalf of respondent No.1 has been filed. The same is taken on record.

Reliance is being placed upon order dated 31.07.2023 passed in CRM-M-31505-2023, whereby co-accused, namely Parveen has been granted concession of pre-arrest bail, which has been further made absolute vide order dated 31.10.2023. Learned counsel for the petitioner thus submits that the petitioner is also similarly situated, as he has been attributed danda blow.

Learned State counsel, however, submits that the injury alleged to have been caused on the person of the victim is merely constituting offence punishable under Section 325 IPC, which is bailable.

Adjourned to 30.01.2024.

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 Ajmer Singh

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 21.11.2023 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 30, 2024
Dpr

(Pankaj Jain)
Judge

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