

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57740-2023 (O&M)
Date of decision : 08.04.2024

UMESH SAHNIPetitioner

Versus

STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Maneet Kaushik, Advocate for
Mr. Ashit Malik, Advocate for the petitioner.

Mr. Surender S. Pannu, Addl. A.G. Haryana.

PANKAJ JAIN, J. (ORAL)

On 14.12.2023, the following order was passed :-

“Counsel for the petitioner has relied upon the order passed by Supreme Court in Criminal Appeal No.3794 of 2023 (Arising out of SLP (Crl.) No.10659/2023) preferred by co-accused namely Seema Devi wherein while granting concession of pre-arrest bail to Seema Devi, Apex Court has observed as under:

"Leave granted.

Heard learned counsel for the appellant and the State.

The appellant has been implicated in an offence, which prima facie appears to us to be civil wrong in its characteristic. The controversy is over receiving money over a property related dispute. The appellant is a lady. There is no aggravating circumstance which would justify her pre-trial detention.

In such circumstance, we do not think custodial interrogation of the appellant is necessary. We, accordingly, set aside the impugned order and direct that in case of arrest of the appellant in connection with F.I.R. No. 657 of 2022 dated 01.10.2022 registered with Police Station Krishna Gate Thanesar, District Kurukshetra, she shall be released on bail on such terms the Concerned Court may consider fit and proper.

The present appeal is allowed in the above terms.
xxx”

Adjourned to 14.03.2024

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 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 14.12.2023 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.

April 08, 2024
Dpr

(Pankaj Jain)
Judge

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