

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

CRM-M-57895-2023

Date of decision : 12.02.2024

HARJINDER SINGH

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. TPS Tung, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Sherry Singla, Advocate for the complainant.

PANKAJ JAIN, J. (ORAL)

On 20.11.2023, the following order was passed :-

“Apprehending his arrest in FIR No.251 dated 18.10.2023, registered under Sections 420/120-B IPC at Police Station City-2, Mansa, petitioner seeks pre-arrest bail.

Learned counsel for the petitioner on instructions submits that the petitioner in order to show his bona-fide is ready to deposit an amount of Rs.4,42,000/- which has come into his account. So far as the cash amount alleged to have been paid by the complainant is concerned, the same at this stage is merely a bald allegation.

Notice of motion for 01.02.2024.

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

Mr. S.Singla, Advocate has entered appearance on behalf of the complainant.

In the meantime, arrest of the petitioner shall remain stayed subject to the condition that he will deposit the aforesaid amount within a period of 10 days. 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 submits that the petitioner has already joined investigation and is no more required for custodial interrogation.

3. Counsel for the complainant submits that an amount of Rs.4,42,000/- already stands paid.
4. Needless to say that the same shall be subject to the final outcome of trial.
5. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 20.11.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.
6. 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.
7. 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.
8. 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.
9. 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.
10. Petition stands disposed off accordingly.

February 12, 2024

Dpr

(Pankaj Jain)
Judge

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