

**209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M No.58063 of 2023 (O&M)
Date of decision : 06.02.2024**

Balwan Singh and another Petitioners

versus

State of Haryana Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN*******Present :- Mr. Jagdeep Singh Rana, Advocate
for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

*********PANKAJ JAIN, J. (ORAL)**

1 On 17.11.2023 the following order was passed:-

“Apprehending their arrest in FIR No.0448, dated 13.08.2023, registered for offences punishable under Sections 420, 467, 468, 471 & 120-B of the Indian Penal Code, 1860, at Police Station Tosham, District Bhiwani, the petitioner have preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Ld. Counsel for the petitioners inter alia contends that even if the contents of the FIR are taken on their face value it is Ravi son of petitioner No.1 and Kuldeep son of petitioner No.2 who have fraudulently availed subsidy.

Mr. Gaurav Bansal, DAG, Haryana appears on advance notice on behalf of the respondent/State submits that the money already stands deposited back.

Issue notice of motion, returnable for 06.02.2024.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal and surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. As and when called, the petitioners shall join the investigation. They shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C”

2 Learned State counsel on instructions from SI Ranbir has stated
that pursuant to the order dated 17.11.2023 the petitioners have joined

investigation and are no longer required for custodial interrogation.

3 In view of above, the interim order dated 17.11.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4 This order should not be treated as "blanket" order. It will not be read granting 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.

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 petitioners.

6 The petitioners shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioners 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.

9 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

06.02.2024
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No