

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-58640-2023
Date of decision : 28.02.2024

Pawan Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Vishal Sharma Haritwal, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 21.11.2023, following order was passed:-

“Apprehending his arrest in FIR No.73 dated 07.02.2023 registered for offence punishable under Section 307 IPC and Sections 25(1-B)(A) of Arms Act, 1959 (Sections 147, 148, 149, 120-B, 201 IPC and Section 25 of Arms Act added later on) at Police Station Pataudi, District Gurugram, Haryana, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter-alia submits that petitioner has been merely identified to be present on the spot as part of the mob as per CCTV footage. However, no role has been attributed to him. Further places reliance upon order dated 16.05.2023 passed in CRM-M No.23969 of 2023 whereby the co-accused namely Rakesh has been granted regular bail and order dated 19.09.2023 passed in CRM-M

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No.34728 of 2023 whereby the co-accused namely Sunil Kumar @ Sulli, who is almost similarly situated, has been granted pre-arrest bail.

Notice of motion.

On asking of the Court, Mr. A.K. Sehrawat, D.A.G., Haryana appears and accepts notice on behalf of the respondent/State.

Adjourned to 28.02.2024.

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, learned State counsel, on instructions from Investigating Officer, has stated that pursuant to the order dated 21.11.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 21.11.2023 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 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.

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6.

The petitioner 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 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.

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

Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

28.02.2024

Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No