

CRM-M No.58823 of 2023

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.58823 of 2023 (O&M)
Date of decision : 20.01.2024

Naveen Bansal

..... Petitioner

versus

State of Haryana and anr.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Aazam Khan, Advocate for
Mr. Vikram Rathore, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

1 The petitioner has prayed for grant of anticipatory bail in
FIR No.0638 dated 19.10.2023 registered under Sections 420, 406 of
IPC and Section 10/24 of the Immigration Act at Police Station Krishna
Gate, Thanesar, Kurukshetra, Haryana.

2 On 22.11.2023, while issuing notice of motion the following
order was passed:-

*“Apprehending his arrest in FIR No.638 dated 19.10.2023
registered for offence punishable under Sections 420/406 IPC
and Sections 10/24 of the Immigration Act at Police Station
Krishna Gate, Thanesar, Kurukshetra, Haryana, the petitioner
has preferred this petition under Section 438 Cr.P.C. seeking
pre-arrest bail.*

*Inter-alia submits that from bare perusal of FIR it is
evident that there is no allegation qua inducement of complainant
by petitioner. The only allegation is that after the complainant
already parted with major money only an amount of Rs.20,500/-*

CRM-M No.58823 of 2023

was paid in cash by the complainant to the present petitioner.

Notice of motion.

On asking of the Court, Mr. Gaurav Bansal, D.A.G., Haryana appears and accepts notice on behalf of respondent No.1/State. Adjourned to 17.01.2024.

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.”

3 Today, learned State counsel, on instructions from SI Baldev has stated that pursuant to the order dated 22.11.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

4 In view of above, the interim order dated 22.11.2023, passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5 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.

6 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.

7 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.

8 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.

9 Petition stands disposed off.

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

11 Pending applications, if any, shall stand disposed off.

20.01.2024
spn

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable :	No