

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

CRM-M-58691-2023

Date of decision : 14.03.2024

RAM KUMAR

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Rajesh Bansal, Advocate for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

On 05.12.2023, the following order was passed :-

“Apprehending his arrest in FIR No.217 dated 16.07.2023 registered for offence punishable under Section 420 IPC at Police Station Gohana Sadar, District Sonapat, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter-alia submits that the issue relates to dispute between date of birth of the petitioner. Petitioner is being alleged to have misrepresented his date of birth which would not amount to forgery.

Notice of motion

On the asking of the Court, Mr. Gaurav Bansal, DAG, Haryana accepts notice on behalf of the respondent-State

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. Mr. Kapil Dev, Advocate appears and files his power of attorney on behalf of the complainant today in Court, which is taken on record. He submits that the petitioner after obtaining interim from this Court tried to coerce the complainant to withdraw the present complaint. He further submits that the complainant has also represented to the authorities but no action has been taken.

2. Ld. State Counsel on instructions from ASI Anil Kumar 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 05.12.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C. However, the police authorities are directed that in case on inquiry it is found that the petitioner has threatened the complainant, they may move application seeking cancellation of bail.

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.

March 14, 2024
Dpr

(Pankaj Jain)
Judge