

210-2

2023:PHHC:166577

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

CRM-M-59899-2023

Date of decision : 05.03.2024

RAJ KUMAR

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Pawan K. Hooda, Advocate for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

On 29.11.2023, the following order was passed :-

“Apprehending his arrest in FIR No.274 dated 09.09.2023 registered for offence punishable under Sections 323, 34, 506 IPC and Sections 325, 307 IPC (added later on) at Police Station Murthal, District Sonipat, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter-alia relies upon order dated 15.11.2023 passed in CRM-M No.57516 of 2023 whereby the co-accused Vishal Dahiya has been granted indulgence observing as under:-

"....Inter-alia submits that the petitioner has not been named in the FIR and even if the prosecution is to be believed, the name of the petitioner is stated to have cropped up in the statement made by victim and even as per the said statement it is accused Raju who attacked and caused injuries and not the petitioner.

Notice of motion.

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

Adjourned to 05.03.2024.

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. even CCTV footage is not conclusive as the petitioner is seen nowhere in the same."

Notice of motion.

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

To be heard alongwith CRM-M No.57516 of 2023 on 05.03.2024.

Interim order in the same terms as in CRM-M No.57516 of 2023"

2. Today, Ld. State Counsel on instructions from ASI Sandeep 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 29.11.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.
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 05, 2024

(Pankaj Jain)

Dpr

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No