

2024:PHHC:001020

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.62261 of 2023
Date of decision : 08.01.2024

Vikas Dhiman @ Vicky Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Darshan Singh, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

1 The petitioner has prayed for grant of anticipatory bail in
FIR No.249 dated 15.05.2023 registered under Sections 336, 420, 427,
436, 506, 120-B and 34 of IPC at to Police Station Gohana City, District
Sonapat.

2 On 11.12.2023 while issuing notice of motion the following
order was passed:-

*“Apprehending his arrest in FIR No.249, dated 15.05.2023,
registered for offences punishable under Sections 336/420/427/436/
506/120B/34 of the Indian Penal Code, 1860 at Police Station Gohana
City, District Sonapat, the petitioner has preferred this petition under
Section 438 Cr.P.C. seeking pre-arrest bail.*

*Ld. Counsel for the petitioner inter alia contends that even if
the allegations levelled in the FIR are taken on their face value the
petitioner has been alleged to be one of the conspirators without there
being any evidence w.r.t. meeting of minds which would be primary
requirement to invoke Section 120-B/34 IPC.*

Issue notice of motion, returnable for 08.01.2024.

Mr. Gaurav Bansal, DAG, Haryana appears and accepts notice on behalf of the respondent/State.

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 ASI Satbir, has stated that pursuant to the order dated 11.12.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

4 In view of above, the interim order dated 11.12.2023 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 of.

(PANKAJ JAIN)
JUDGE

08.01.2024
spn

Whether speaking/reasoned	Yes
Whether Reportable :	No