

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 31.01.2024

CRM-M-63094-2023 (O&M)

SOHAN LALPetitioner

Versus

STATE OF PUNJABRespondent

CRM-M-63100-2023

JAGDISH YADAVPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Munish Garg, Advocate for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

On 15.12.2023, the following order was passed :-

“Apprehending their arrest in FIR No.103 dated 11.09.2023, registered for offences punishable under Sections 420 & 120-B of the Indian Penal Code, 1860 at Police Station City-2, Abohar District Fazilka, the petitioners have preferred these petitions under Section 438 Cr.P.C. seeking pre-arrest bail.

Ld. Counsel for the petitioners *inter alia* submits that in the account of Sohan Lal only amount of Rs.70,000/- has been transferred and likewise in the account of Jagdish Yadav Rs.1.50 lac has come and the petitioners in order to show their bona fide are ready to pay back the same amount. Counsel for the petitioners submits that the said amounts by way of demand drafts in the name of the complainant shall be paid to the

complainant before the I.O. at the time of joining investigation.

Issue notice of motion, returnable for 31.01.2024

Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent/State.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal and surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. As and when called, the petitioners shall join the investigation. They shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.

A copy of this order be kept on the file of other connected case.”

2. Today, Ld. State Counsel on instructions from ASI Balwinder Singh submits that the petitioners have already joined investigation and pursuant to the aforesaid order an amount of Rs.70,000/-+Rs.1,50,000/- = Rs.2,20,000/- stands paid and the same stands released to the complainant. Thus, the petitioners are no more required for custodial interrogation.

3. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 15.12.2023 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 petitioners 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 petitioners.

6. The petitioners 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 petitioners 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. Petitions stand disposed off accordingly.
9. A copy of this order be kept on the file of other connected case.

January 31, 2024
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No