

[203-4] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-65350-2023
Date of Decision : 21.10.2024

Karan Gupta ...Petitioner

versus

State of PunjabRespondent

Coram : **HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. G.S. Sawhney, Advocate for the petitioner.
Mr. Solomon Partap Singh, AAG, Punjab.
Mr. Brijender Kaushik, Advocate for the complainant.

PANKAJ JAIN, J. (ORAL)

On 27.12.2023, the following order was passed :-

“ The petitioner prays for grant of pre-arrest bail in a criminal case arising from FIR No.80, dated 05.10.2023, registered under Section 452, 323, 324, 506, 148, 149 IPC and Section 379, 427 IPC(added later on), at Police Station City Morinda, District Rupnagar.

The learned counsel representing the petitioner placed reliance on an interim order passed in CRM-M-54522 of 2023 (Kajal Mahant vs. State of Punjab) and other connected case, which reads as under:-

“These two petitions have been filed under Section 438 Cr.P.C. seeking anticipatory bail on behalf of the petitioners in case FIR No.80 dated 05.10.2023 registered for the offences punishable under Section 452, 323, 324, 506, 148, 149 IPC and Sections 379 and 427 IPC added later on, at Police Station City Morinda, District Rupnagar.

Status report by way of an affidavit of Manjit Singh PPS, DSP, Sub Division, Morinda, District Rupnagar has

been filed on behalf of respondent-State (in CRM-M-54522-2023) today in Court, which is taken on record. Copy supplied.

Counsels for the petitioners submit that apart from offence punishable under Section 452 IPC all the offences are bailable.

Adjourned to 02.04.2024.

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.”

Notice of motion, for 02.04.2024.

On the request of this Court, Mr. C.L.Panwar, Addl. A.G. Punjab, accepts notice on behalf of the State.

Meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of the bail as provided under Section 438(2) Cr.P.C.

To be heard along with CRM-M-54522 of 2023. ”

2. Today, Ld. State Counsel, on instructions, 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 27.12.2023 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 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.

(PANKAJ JAIN)
JUDGE

21.10.2024
'R. Sharma'

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