

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-2 of 2024
Date of decision:19.03.2024

Shivam Banga @ Manni

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Vikram Singh, Advocate,
for the petitioner.

Mr. A. K. Sehrawat, DAG, Haryana

PANKAJ JAIN, J. (ORAL)

On 02.01.2024, the following order was passed :-

“Apprehending his arrest in FIR No. 0186 dated 05.04.2023 registered for offences punishable under Sections 406 and 420 IPC, 1860 at Police Station Industrial Sector 29, Panipat, District Panipat; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia contends that the allegation of cheating pertains to the year 2016 whereas the impugned FIR was registered on 05.04.2023 on the basis of complaint moved by the complainant on 22.03.2023; the case of the petitioner is squarely covered by the ratio decidendi of judgment rendered by the Hon'ble Supreme Court in case of Arnesh Kumar Vs. State of Bihar, 2014 AIR (SCW) 3930 and reiterated in Md. Asfak Alam Vs. The State of

Jharkhand & Anr., 2023 AIR (Supreme Court) 3610; the petitioner is willing to join investigation as also cooperate therein.

Notice of motion.

On asking of the Court, Mr. Manish Dadwal, AAG, Haryana, appears and accepts notice on behalf of the respondent-State.

Adjourned to 31.01.2024.

The petitioner is directed to appear before the Investigating Officer on 05.01.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C.”

2. Today, Ld. State Counsel on instructions from the police official who is present in Court 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 02.01.2024 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.
9. Pending applications, if any, also stand disposed of.

March 19, 2024

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Whether speaking
Whether reportable

(PANKAJ JAIN)

JUDGE

: Yes
: No