

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-6558 of 2015

Date of decision:- April 06, 2015

Gurwinder Singh and others

.....Petitioners...

Vs.

State of Punjab

....Respondent...

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Bikramjeet Singh Jatana, Advocate,
for the petitioners.

Mr. J.S. Sekhon, AAG, Punjab.

JASPAL SINGH, J. (Oral)

This order shall dispose of instant petition moved by petitioners under Section 438 of the Code of Criminal Procedure (for brevity, 'Code'), feeling apprehension of their arrest, in case bearing FIR No. 67, dated 22.03.2014, under Sections 420, 465, 468, 471 and 120-B IPC, registered at Police Station Civil Lines Patiala, District Patiala.

2. It is an undisputed fact that names of petitioners do not figure in FIR nor any specific role has been ascribed to them. Moreover, FIR was registered in the month of March 2014, yet challan has not been presented so far.

3. On instructions, from HC Gurmukh Singh, learned State counsel has submitted that petitioners have already joined the investigation and that their further interrogation is not required in the

facts and circumstances of the instant case. Moreover, entire case of prosecution is based upon documentary evidence.

4. Taking into consideration all these aspects, order dated March 02, 2015 is made absolute, subject to the following conditions prescribed under Section 438(2) Cr.P.C:-

- (i) *a condition that the petitioners shall make themselves available for interrogation by a police officer as and when required;*
- (ii) *a condition that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;*
- (iii) *a condition that the petitioners shall not leave India without the previous permission of the Court.*

(JASPAL SINGH)
JUDGE

April 06, 2015
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