

2023:PHHC:111947

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

208-2

CRM-M-17038-2023

Date of decision : 22.08.2023

Harbans Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Kulbir Singh Sekhon, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

Mr. Amaninder Singh Sekhon, Advocate
for the complainant.

PANKAJ JAIN, J. (Oral)

While issuing notice of motion, the following order was
passed on 11.04.2023:-

“Prayer is for grant of anticipatory bail to the
petitioner in criminal case having FIR No.18 dated 3.2.2023
registered under Sections 302, 120-B IPC at Police Station
City, Sri Muktsar Sahib, District Sri Muktsar Sahib.

Counsel for the petitioner inter alia contends that
there are no specific allegations in the FIR against the
present petitioner who is father of co-accused Shammi; that
the matter was inquired into in detail by the police and
during that inquiry, the police came to the conclusion that
deceased-Mohinder Singh was not murdered and rather he
committed suicide and copy of the said inquiry report is
Annexure P-7.

Counsel for the petitioner further submits that already
co-accused Gurlal Singh has been granted interim

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protection by this Court vide order dated 29.3.2023 passed in CRM-M-16269-2023. Copy of the same is taken on record.

Notice of motion.

Mr. C.L.Pawar, Addl. AG, Punjab accepts notice on behalf of the State and on instructions from ASI Sumreet Singh apprised the Court that the cancellation report prepared by the police in the present case is already approved by the SSP concerned and will be filed shortly in the Court concerned.

Now be listed on 17.4.2023.

In the meanwhile, the petitioner should join the investigation with the police as and when called to do so but no coercive action be taken against him till the next date of hearing.

To be heard along with CRM-M-16269-2023.”

2. Today, learned State counsel, on instructions from HC Kuldeep Singh, submits that pursuant to the order dated 11.04.2023, the petitioner has joined investigation and is no longer required for custodial interrogation. He further submits that cancellation report already stand prepared and after that it was found that it was not a case of murder.

3. In view of above, the interim order dated 11.04.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. 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.

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

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charges against the petitioner.

6. 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.

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. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

9. Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

22.08.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No