

2023:PHHC:111951

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208-3

CRM-M-17225-2023 (O&M)

Date of decision : 22.08.2023

Jaspal Singh Grewal

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Mansur Ali, Advocate
Mr. Imran A. Ali, Advocate and
Mr. Amarpreet Kooner, 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 12.04.2023:-

“Prayer is for grant of anticipatory bail to the
petitioner in criminal case having FIR No.0018 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 the
petitioner has been falsely implicated in the present case
and only allegations against the petitioner are that the
deceased was lastly seen in his company. He further
submits that the matter was inquired into in detail by the
police and during the said inquiry, the police came to the
conclusion that deceased-Mohinder Singh committed
suicide and copy of the said inquiry report is Annexure P-4.

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He further contends that co-accused Gurlal Singh and Harbans Singh have already been granted interim protection by this Court vide orders dated 29.3.2023 and 11.4.2023 respectively.

Notice of motion.

Mr. C.L.Pawar, Addl. AG, Punjab accepts notice on behalf of the State and on instructions from ASI Gurdev Singh apprised the Court that the cancellation report has been prepared by the police and is going to be filed shortly in the Court concerned.

Mr. Amaninder Singh Sekhon, Advocate has put in appearance on behalf of the complainant and while resisting the present petition, submits that there are specific allegations against the petitioner who is named in the FIR and his custodial interrogation is required to go to the root of the case.

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-17038-2023.

2. Today, learned State counsel, on instructions from HC Kuldeep Singh, submits that pursuant to the order dated 12.04.2023, 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 12.04.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

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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 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.
10. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

22.08.2023

Dinesh

Whether speaking/reasoned :

Yes

Whether Reportable :

No