

CRM-M-23834-2023

2023:PHHC:111968

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

207-1

CRM-M-23834-2023

Date of decision : 23.08.2023

Rajsurinder Singh and another**..... Petitioners****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Vipin Mahajan, Advocate
for the petitioners.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

While issuing notice of motion, the following order was
passed on 11.05.2023:-

“Learned counsel for the petitioners contends that the present FIR is the result of the father of the present petitioner appearing as a prosecution witness in an FIR registered against the complainant. He further submits that whereas the alleged incident took place on 09.01.2023, the FIR was registered on 01.04.2023. He further submits that on the day of the alleged incident, a complaint had been submitted by the complainant to the police but it was stated that no action should be taken against the petitioners. Learned counsel submits that the petitioners are willing to join investigation and abide by any condition imposed by this Court.

Notice of motion.

Mr. M.S. Nagra, AAG, Punjab accepts notice on
behalf of the respondent-State.

List on **23.08.2023**.

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In the meantime, the petitioners are directed to join investigation. In the event of arrest, they shall be released on interim bail to the satisfaction of the Arresting /Investigating Officer, subject to compliance of the provisions of Section 438 (2) Cr.P.C.”

2. Today, learned State counsel, on instructions from SI Gurmeet Singh, has stated that pursuant to the order dated 11.05.2023, the petitioners have joined investigation and are no longer required for custodial interrogation.

3. In view of above, the interim order dated 11.05.2023 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 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

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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

23.08.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No