

2023:PHHC:142433

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

216/2

CRM-M-29007-2023

Date of decision : 02.11.2023

Sunny

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Kushagra Mahajan, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 02.06.2023, following order was passed:-

“Prayer is for grant of anticipatory bail in case having FIR No.86 dated 2.8.2022 registered under Sections 307, 379-B(2), 186, 224, 332, 353, 148, 149 IPC and Section 25 of Arms Act, at Police Station Kathunangal, District Amritsar (Rural).

The counsel for the petitioner inter alia contends that the petitioner was not named in the FIR and later on nominated as accused. The counsel further submits that co-accused Bikramjit @ Bikku Lalli who was named in the FIR is already granted anticipatory bail by this Court vide order dated 3.5.2023 (Annexure P-4). The counsel for the petitioner submits that the petitioner is ready to join investigation with the police.

Notice of motion.

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On the asking of the Court, Mr. Hakam Singh, AAG, accepts notice on behalf of State of Punjab and on instructions from ASI Rachpal Singh submits that the petitioner was member of unlawful assembly which attacked police party as a result of which co-accused Askhadeep who was apprehended with 9 grams of intoxicant powder succeeded in escaping from the police custody. However, the State counsel has not disputed the fact that the petitioner has not been named in the FIR and main accused Bikramjit @ Bikku Lalli has been granted anticipatory vide Annexure P-4.

Now be listed on 26.9.2023.

In view of the above, in case of arrest, the petitioner is directed to be released on interim bail by the Investigating Officer/Arresting Officer subject to his own satisfaction. The petitioner should join investigation with the police well in time before the next date of hearing and to abide by the conditions envisaged under Section 438 (2) Cr.P.C.

The report of the Investigating Officer be also called in this context on the next date of hearing”

2. Today, learned State counsel, on instructions from ASI Baljinder Singh, has stated that pursuant to the order dated 02.06.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 02.06.2023 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.

(PANKAJ JAIN)
JUDGE

02.11.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No