

CRM-M-28926-2023

2023:PHHC:111970

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

207-2

CRM-M-28926-2023

Date of decision : 23.08.2023

Gurwinder Pal Singh**..... Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

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

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

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

“Learned counsel for the petitioner relies upon order dated 11.05.2023 (Annexure P-6) passed by this Court in CRM-M-23834 of 2023 and submits that the case of the petitioner is on a better footing than the co-accused/petitioners in the said case namely Rajsurinder Singh and Mandeep Singh. He submits that whereas the alleged incident had taken place on 09.01.2023, the FIR was registered on 01.04.2023. He also 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 petitioner. Learned counsel further submits that the petitioner is willing to join investigation and abide by any condition imposed by this Court.

Notice of motion.

Mr. Dhruv Dayal, Additional A.G., Punjab, accepts
notice on behalf of the respondent-State.

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List on **23.08.2023**.

To be taken up along with **CRM-M-23834 of 2023**, titled as **Rajsurinder Singh and another Vs. State of Punjab**.

In the meantime, the petitioner is directed to join investigation. In the event of arrest, he shall be released on interim bail to the satisfaction of 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 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.

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.

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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

23.08.2023

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Whether speaking/reasoned : Yes

Whether Reportable : No