

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

CRM-M-30872-2023

Date of decision : 28.08.2023

NARINDER KHILLAN

....Petitioner

Versus

U.T. CHANDIGARH

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Rajesh K. Dhankhar, Advocate for
Mr. Bijender Dhankar, Advocate for the petitioner.

Mr. Shashank Bhandari, Addl. P.P., U.T., Chandigarh.

Mr. Satish Kumar, Advocate for
Mr. Ravinder Rana, Advocate for respondent No.2.

PANKAJ JAIN, J. (ORAL)

On 19.06.2023, the following order was passed :-

“Apprehending his arrest in FIR No.41 dated 08.06.2023, registered under Sections 392 and 34 of the IPC at Police Station Sector49, Chandigarh.

Notice of motion.

Mr. Shashank Bhandari, Addl. P.P. U.T., accepts notice on behalf of the respondent-State.

At this stage, Mr. Satish Kumar, Advocate puts in appearance and filed power of attorney on behalf of the complainant.

Learned counsel for the petitioner submits that the parties have compromised the matter and the said fact is not disputed by the counsel representing the complainant. Rather, he on instructions, submits that the compromise has indeed been effected.

Mr. Shashank Bhandari, Addl. P.P. for U.T. Chandigarh, feigns ignorance.

Adjourned to 28.08.2023.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

2. Today, Ld. APP UT., Chandigarh on instructions from ASI Gurdeep Singh, PS Sector 49, Chandigarh submits that the petitioner has already joined investigation and is no more required for custodial interrogation.

3. In the circumstances, the order dated 19.06.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.

4. This order should not be treated as "blanket" order. It will not be read granting the 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 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. The petition stands disposed off.

August 28, 2023
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No