

2023:PHHC:145329

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

206

CRM-M-30931-2023

Date of decision : 15.11.2023

Major Singh @ Baba Major @ Baba

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Ramandeep Singh Gill, Advocate and
Mr. Jatin Bansal Kotshamir, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. On 20.07.2023, following order was passed:-

“Prayer in the present petition filed under Section 438 Cr.P.C. is for the grant of anticipatory bail to the petitioner in FIR No.3 dated 25.01.2023, registered under Section 25 of the Arms Act, 1959 and Sections 25 (7) and 25(8) of the Arms (Amended) Act, 2019, at Police Station State Special Operation Cell, SAS Nagar, District Intelligence Wing (CID), District Sahibzada Ajit Singh Nagar, Mohali.

Status report by way of an affidavit of Gurcharan Singh, PPS, Deputy Superintendent of Police, SSOC, District SAS Nagar (Mohali) on behalf of State has been filed. The same is taken on record.

Adjourned to 13.09.2023.

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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, learned State counsel, on instructions from SI Manpreet Singh, has stated that pursuant to the order dated 20.07.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 20.07.2023 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

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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

15.11.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No