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

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CRM-M-31611-2023

Date of decision : 04.10.2023

Lakhwinder Singh and others

..... Petitioners

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Ms. Chandanpreet Kaur Ahluwalia, Advocate for
Mr. Vipin Mahajan, Advocate
for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 05.07.2023, following order was passed:-

“Apprehending their arrest in FIR No. 67 dated 19.05.2023 for offences punishable under Sections 302 and 34 IPC, 1860 registered at Police Station Ghuman, Police District Batala, District Gurdaspur the petitioners have preferred this petition under Section 438 Cr.P.C seeking pre-arrest bail.

Learned counsel for the petitioners inter alia contends that Tara Singh had four sons and a daughter namely: Gurbax Singh, Hari Singh, Kashmir Singh, Gurpal Singh and Veer Kaur @ Balbir Kaur.

The petitioners are successors-in-interest of Gurpal Singh and the complainant is their paternal aunt Veer Kaur @ Balbir Kaur. The dispute relates to the property left behind by the legal

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representatives of Kashmir Singh namely Balwant Singh and Jaswant Singh who died in the year 2007 and 2014 respectively. The parties are already in the thick of civil disputes wherein inheritance of the property left behind by the deceased Jaswant Singh form the subject matter.

On the basis of bald statement made by Veer Kaur @ Balbir Kaur the FIR has come into being whereby the petitioners are being accused of having committed murder of Jaswant Singh.

On the asking of the Court learned State counsel on instructions from ASI Sarup Singh fairly submits that at this stage apart from the allegations levelled in the complaint, there is nothing with the agencies that can yoke the petitioners to the offence involved.

Notice of motion.

Mr. Tarun Aggarwal, Senior DAG., Punjab who is present in Court accepts notice.

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

To come up on 04.10.2023.”

2. Today, learned State counsel, on instructions from ASI Balwinder Singh has stated that pursuant to the order dated 05.07.2023, the petitioners have joined investigation and are no longer required for custodial interrogation.

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3. In view of above, the interim order dated 05.07.2023 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 petitioners 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 petitioners.
6. The petitioners 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 petitioners 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

04.10.2023

Dinesh

Whether speaking/reasoned :
Whether Reportable :

Yes
No