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

CRM-M-33968-2023
Date of decision : 11.12.2023

RUPINDER SINGHPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Somnath Tayal, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

On 05.10.2023, the following order was passed :-

“Apprehending his arrest in FIR No.160 dated 19.06.2023, registered for offences punishable under Sections 420, 468, 471 and 120-B of IPC at Police Station Patran, Patiala, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

On 17.07.2023, following order was passed:-

“Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case bearing FIR No.160 dated 19.06.2023, registered under Sections 420, 468, 471, 120-B IPC, at Police Station Patran, District Patiala. Learned counsel for the petitioner submits that the allegation against the petitioner is of issuance of 29 sim cards in the year 2022, whereas the FIR was registered on 19.06.2023 and that now a Point of Sale (POS) has again been issued to the

petitioner by the same Company, which shows that there is no fault of the petitioner. Notice of motion. On the asking of this Court, Mr. C.L. Pawar, Addl. AG Punjab, accepts notice on behalf of the respondent-State and prays for time to file an affidavit of Senior Superintendent of Police, Patiala, about the circumstances under which the POS has again been given to the petitioner. On his request, adjourned to 03.08.2023.”

Adjourned to **11.12.2023**.

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. State Counsel on instructions from ASI Jaswinder Singh submits that the petitioner has already joined investigation and is no more required for custodial interrogation.
3. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 05.10.2023 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. Petition stands disposed off accordingly.

December 11, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No