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

CRM-M-37291-2023
Date of decision : 06.11.2023

Nirmal Singh @ Nimma

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ashok Giri, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

On 02.08.2023, the following order was passed :-

“Apprehending his arrest in FIR No. 91 dated 27.05.2023 for offences punishable under Sections 61/1 of Punjab Excise Act, 1914 (Section 308 IPC was added later on) registered at Police Station Sadar Khanna, District Khanna, the petitioner has preferred this petition under Section 438 Cr.P.C seeking pre-arrest bail.

Learned counsel for the petitioner inter alia contends that the petitioner was not apprehended from the spot despite having been stated to be the driver of the vehicle. Apart from that learned counsel for the petitioner relies upon order dated 10.07.2023 passed by this Court in CRM-M-30976- 2023 whereby the co-accused Gurpal Singh who happens to be the owner of the vehicle has been extended the concession of interim protection.

Notice of motion.

Mr. Tarun Aggarwal, Senior DAG., Punjab appears and

accepts notice on behalf of the respondent/State.

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. To come up on 06.11.2023.

To be listed along with CRM-M-30976-2023.”

2. Today, Ld. State Counsel on instructions from ASI Mohinder 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 02.08.2023 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.

November 06, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No