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

**CRM-M-39799-2023
Date of decision : 16.11.2023**

BALDEV SINGH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Harpal S. Sidhu, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

On 16.08.2023, the following order was passed :-

“Apprehending his arrest in FIR No. 120 dated 08.07.2023 for offences punishable under Sections 307, 336, 506, 34 IPC, 1860 and Sections 25 and 27 of Arms Act, 1959 registered at Police Station Sadar Patti, District Tarn Taran, the petitioner has preferred this petition under Section 438 Cr.PC seeking pre-arrest bail. Learned counsel for the petitioner inter alia contends that even if the allegations levelled in the FIR taken to be on the face value the only attribution to the petitioner is of lalkara. The petitioner, a 70 year old man has been implicated without any reason.

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 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 16.11.2023.”

2. Today, Ld. State Counsel on instructions from ASI Harpal Singh submits that the petitioner has already joined investigation and is no more required for custodial interrogation.
3. Mr. Satwant Mehta, Advocate appears for the complainant and emphatically opposed the bail plea of the petitioner.
4. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 16.08.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.
5. 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.
6. 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.
7. 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.
8. 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.

9. Petition stands disposed off accordingly.

November 16, 2023	(Pankaj Jain)
Dpr	Judge
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No