

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

Date of decision : 14.12.2023

CRM-M-42752-2023

NAJRA KHAN

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CRM-M-42816-2023

SIMRANJIT SINGH @ FAUJI

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Jitender S. Dadwal, Advocate for
Mr. J.S. Dadwal, Advocate the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Parvez Akhtar Dhaliwal, Advocate for the complainant.

PANKAJ JAIN, J. (ORAL)

These two petitions have been filed under Section 438 Cr.P.C. seeking anticipatory bail on behalf of the petitioners in case FIR No.101, dated 02.08.2023 registered for the offences punishable under Sections 323, 324, 458, 427, 506, 148, 149 of IPC at Police Station Amargarh, District Malerkotla.

2. Status report by way of affidavit of Jatin Bansal, PPS, Deputy Superintendent of Police, Sub Division Amargarh, District Malerkotla, has been filed on behalf of respondent/State (in CRM-M-42752-2023), today in Court. The same is taken on record. Copy supplied.

3. On 09.10.2023, the following order was passed :-

“Mr. Parvez Akhtar Dhaliwal, Advocate has entered appearance on behalf of the complainant in both the cases.

Learned State counsel seeks an adjournment.

Adjourned to 14.12.2023.

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. Photocopy of this order be placed on the connected file.”

4. Today, Ld. State Counsel on instructions from ASI Bhinder Singh submits that the petitioners have already joined investigation and are no more required for custodial interrogation.

5. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 09.10.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.

6. This order should not be treated as "blanket" order. It will not be read granting the 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.

7. 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.

8. The petitioners 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 petitioners in case the occasion arises.
9. 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.
10. Petitions stand disposed off accordingly.
11. A copy of this order be kept on the file of other connected case.

December 14, 2023
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No