

2023:PHHC:143884

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

223

CRM-M-43321-2023

Date of decision : 02.11.2023

Darshan Singh and another**..... Petitioners****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Rohan Garg, Advocate
for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 31.08.2023, following order was passed:-

“CRM-36417-2023

Allowed, as prayed for subject to all just exceptions.

CRM-M-43321-2023

Inter alia contends that present case is a counter blast to FIR registered by Naib Singh (nephew) of petitioner No.1 who received grievous injuries. He further submits that there is delay of two days in registration of FIR and complainant-party had ample time to concoct allegations to falsely implicate the petitioners and their co-accused.

Notice of motion.

On advance service of copy of petition, learned State counsel appears and accepts notice on behalf of respondent-State of Punjab and seeks time to file reply.

2023:PHHC:143884

At his request, adjourned to 02.11.2023.

In the meanwhile, petitioners shall join investigation, as and when required by the Investigating Agency and subject to their reporting to the Investigating Officer within two weeks from today, no coercive steps *qua* arrest of the petitioners shall be taken. In case, their arrest is required to be caused, petitioners shall be released on bail by the Arresting Officer till the next date of hearing on their furnishing personal bonds to the satisfaction of Arresting Officer. Petitioners shall also abide by all the conditions as envisaged under Section 438(2) Cr.P.C.”

2. Today, learned State counsel, on instructions from ASI Balwinder Singh, has stated that pursuant to the order dated 31.08.2023 the petitioners have joined investigation and are no longer required for custodial interrogation. He submits that Section 452 of IPC stands deleted.

3. In view of above, the interim order dated 31.08.2023 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.

2023:PHHC:143884

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 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. 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

02.11.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No