

2023:PHHC:148397

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

201/2

CRM-M-43772-2023

Date of decision : 17.11.2023

Satish Kumar

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Aman Deep Saini, Advocate
for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 02.09.2023, following order was passed:-

“Apprehending his arrest in FIR No.106 dated 28.07.2023, registered under Sections 353/186 IPC at Police Station Nurpurbedi, District Rupnagar, petitioner seeks pre-arrest bail.

Learned counsel for the petitioner *inter alia* relies upon the order dated 17.08.2023 passed in **CRM-M No.40065 of 2023** titled as 'Jaswinder Singh Vs. State of Punjab' whereby co-accused namely Jaswinder Singh, who is owner of one of the tippers stands admitted to pre-arrest bail. He further submits that the petitioner has no connection with any of the tippers and thus he is rather better placed than Jaswinder Singh.

Notice of motion for 17.11.2023.

On the asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts

2023:PHHC:148397

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 be heard along with ***CRM-M No.40065 of 2023.***”

2. Today, learned State counsel, on instructions from HC Ranjit Singh, has stated that pursuant to the order dated 02.09.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 02.09.2023 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 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, 1872 in regard to a discovery of facts made in pursuance of information supplied by the

2023:PHHC:148397

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

17.11.2023

Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No