

CRM-M-44859-2023

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2023:PHHC:141161

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

CRM-M-44859-2023
Date of decision : 06.11.2023

BALWINDER SINGH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. KP Singh, Advocate for the the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. B.S. Jaswal, Advocate for the complainant.

PANKAJ JAIN, J. (ORAL)

On 12.09.2023, the following order was passed :-

“The present petition has been filed under Section 438 Cr. P.C. For grant of pre-arrest bail to the petitioner in case FIR No.53 dated 22.07.2023, registered under Sections 326 and 34 IPC at Police Station Bhindi Saidan, District Amritsar Rural.

Learned counsel contends that there is a delay of 17 days in lodging the FIR. The petitioner and husband of the injured-complainant are fruit vendors and the fight had taken place in a fair due to ill-will created regarding the customers approaching each of them. The injury attributed to him is on the nose of the complainant. The petitioner is not involved in any other case. He is ready and willing to join the investigation as and when required by the investigating agency and will cooperate.

Notice of motion.

At the asking of the Court, Ms. Himani Arora, AAG, Punjab accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 20.09.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of conditions as enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 06.11.2023.”

2. Today, Ld. State Counsel on instructions from ASI Lakhwinder 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 12.09.2023 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