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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.46712 of 2023 (O&M)
DECIDED ON: 18th DECEMBER, 2023

JASWINDER GAUGHT

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Bhisham Kumar, Advocate for
Mr. R.K.Chaudhary, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

1. On 10.10.2023 the following order was passed:-

“Apprehending his arrest in FIR No.77 dated 14.04.2018 registered for offence punishable under Sections 302, 307, 392, 160, 427, 295, 353, 186, 332, 283, 188, 148 & 149 IPC and Sections 3(1)(1), 3(2)(v) of SC & ST Act (Challan has been presented under Sections 323, 148 & 149 IPC) at Police Station City Phagwara, District Kapurthala, the petitioner has preferred a petition bearing CRM-M No.46712 of 2023 under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter-alia relies upon order dated 20.09.2023 passed in CRM-M No.47421 of 2023 whereby the petitioner has been granted interim protection from arrest by this Hon'ble Court in FIR No.78 dated 14.04.2018, involving similar allegations, registered for offences punishable under Sections 307, 332, 353, 186, 295, 427, 148 & 149 IPC (rest of sections have been deleted except Sections 332, 353, 186, 148 & 149 IPC).

Notice of motion.

On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent/State.

Adjourned to 18.12.2023.

In the meantime, interim order in the same terms as in CRM-M No.47421 of 2023.

A photocopy of this order be placed on the file of connected cases.

2. Learned State counsel on instructions from IO Sukhwinder Kumar has stated that pursuant to the order dated 10.10.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 10.10.2023 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 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.
9. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

18.12.2023
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(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No