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

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CRM-M-46955-2023

Date of decision : 03.11.2023

Karnail Singh**..... Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

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

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Status report by way of affidavit of Bharat Bhushan, PPS, Deputy Superintendent of Police, Sub Division Bholath, Kapurthala on behalf of the respondent-State has been filed. The same is taken on record.

2. While issuing notice of motion on 03.10.2023, following order was passed:-

“1. This petition is filed for grant of anticipatory bail in FIR No.63, dated 27.07.2013, under Sections 420, 406 read with Section 34 of Indian Penal Code, 1960, registered at Police Station Begowal, District Kapurthala, Punjab.

2. As per that come set up by the prosecution, Paramjit Kaur made a complaint that petitioner Karnail Singh, his wife Sunita, co-accused Bittu Sahota and his wife Sukhwinder Kaur ostensibly received Rs.21,00,000/- on the pretext of sending her son abroad, neither needful was done nor the

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money was returned. The challan was presented against the other three co-accused and they were acquitted on 05.02.2019. The petitioner was kept in column No.2.

3. Learned counsel for the petitioner submits that petitioner had moved an application for the inquiry, the application was placed before the trial court by the investigating agency but the matter was not inquired into. The trial court while acquitting the co-accused came to the conclusion that a loan transaction was given the colour of the criminal proceedings. Learned counsel for the petitioner further submits that house of the petitioner is being raided by the police party.

4. Learned State counsel has received instructions from ASI Bakhshish Singh that the challan is yet to be presented. Learned State counsel at his stage seeks time and submits that the matter shall be looked into at an appropriate level to see that the FIR was of 2013, the co-accused were acquitted in February, 2019 and if the custody of the petitioner is required.

5. List on 03rd November, 2023.

6. In the meantime, arrest of the petitioner is stayed subject to his joining investigation within a week. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

3. Today, learned State counsel, on instructions from ASI Bakhshish Singh, has stated that pursuant to the order dated 03.10.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the interim order dated 03.10.2023 passed by this Court is made absolute, subject to the conditions as

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enumerated under Section 438(2) Cr.P.C.

5. 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.
6. 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.
7. 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.
8. 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.
9. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.
10. Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

03.11.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No