

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48134-2023
Date of decision : 17.10.2023

SUKHWINDER SINGH AND ANOTHER
....Petitioners

Versus

STATE OF PUNJAB
....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Piyush Sharma, Advocate for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

On 11th of October, 2023 following order was passed :

1. This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR mentioned below :-

FIR No.	Date	Police Station	Sections
70	17.7.2021	Lakho Ke Behram, District Ferozepur	302/34 IPC, 1860 later on office under Section 201 IPC, 1860 added

2. Learned counsel for the petitioners submits that the petitioners had earlier joined the investigation, the petitioner No. 2 was granted regular bail. Petitioners were found innocent at the time of presentation of the challan. Now the petitioners have been summoned under Section 319 Cr.P.C..

3. Learned State Counsel on instructions from ASI Gurdeep Singh is not in a position to dispute the factual contention raised above.

4. In view of the above, the arrest of the petitioners is stayed subject to appearing before the Trial Court on the date fixed. On appearance, they shall be released on interim bail subject to

furnishing of bail/surety bonds to the satisfaction of Trial/Duty Magistrate.

5. List on 17th November, 2023.”

2. Today counsel for the petitioners has produced order dated 19th of October, 2023 to demonstrate that the petitioners in compliance of order dated 11th of October, 2023 appeared before the Trial Court and sought interim bail. The petitioners now stand released on interim bail.

3. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 11th of October, 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 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.

6. The petitioners 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 petitioners 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 17, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No