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

CRM-M-48843-2023
Date of decision : 20.11.2023

PANKAJ SIDHU @ PANKAJ KUMAR

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Tejveer Singh Saggu, Advocate for
Mr. Avtar S. Bhatti, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

On 27.09.2023, the following order was passed :-

“Apprehending his arrest in FIR No.0079, dated 27.08.2023, registered for offences punishable under Sections 452, 324, 323, 341, 506, 148, 149 of the Indian Penal Code, 1860 at Police Station Garhdiwala, District Hoshiarpur, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Petitioner, who is present in person *inter alia* contends that though the petitioner is stated to be carrying pistol but no injury has been attributed to him. The motive behind false implication of the petitioner is that the petitioner is a witness in the trial pending against the complainant party. He further submits that the occurrence is stated to be of 10th of August, 2023 whereas FIR came into being on 27th of August, 2023 i.e. after a delay of almost 17 days as is evident from the vernacular of the FIR (Annexure P-1) though it has been wrongly

mentioned as 27th of June, 2023 in the typed copy.

Issue notice of motion, returnable for 20.11.2023.

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.”

2. Today, Ld. State Counsel on instructions from SI Parwinder 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 27.09.2023 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 20, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No