

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

CRM-M-50822-2023

Date of decision : 07.12.2023

VAJIR SINGH AND OTHERS

....Petitioners

Versus

STATE OF PUNJAB

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Mr. Jagandeep Singh, Advocate
for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Suneet Pal Singh, Advocate for the complainant.

PANKAJ JAIN, J. (ORAL)

1. On , 07.10.2023, the following order was passed :-

“On advance service of copy of petition, learned State counsel appears and seeks time to file a report.

At this stage, learned counsel for the complainant appears and points out that during investigation, sections 380, 420, 465, 467, 468, 471 of IPC have been added by the police in the FIR in question.

At the oral request of learned counsel for the petitioners, sections 380, 420, 465, 467, 468, 471 of IPC are added in the head note and prayer clause of the instant petition. Registry to carry out the necessary corrections.

Notice of motion.

Learned State counsel as well as learned counsel for the complainant accept notice.

Adjourned to 07.12.2023.

In the meanwhile, petitioners shall join investigation, as and when required by the Investigating Agency and subject to their reporting to the Investigating Officer within two weeks from today, no coercive steps qua arrest of the petitioners shall be taken. In case, their arrest is required to be caused, petitioners shall be released on bail by the Arresting Officer till the next date of hearing on their furnishing personal bonds to the satisfaction of Arresting Officer. Petitioners shall also abide by all the conditions as envisaged under Section 438 (2) Cr.P.C.”

2. Today, Ld. State Counsel on instructions from ASI Kuldeep Singh submits that the petitioner have already joined investigation and is no more required for custodial interrogation.
3. Counsel appearing for the complainant has eloquently opposed the bail plea of the petitioner.
4. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 07.10.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.
5. 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.
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 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.

8. Petition stands disposed off accordingly.

(PANKAJ JAIN)
JUDGE

07.12.2023
raman

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>