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

CRM-M-50175-2023
Date of decision : 22.11.2023

Manoj Kumar @ Monu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Bhupinder Gupta, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

While issuing notice of motion on 05.10.2023, the following
order was passed :-

“Notice of motion.

On advance service of copy of petition, learned State
counsel appears and accepts notice on behalf of respondent-State of
Punjab and seeks time to file reply.

Adjourned to 22.11.2023.

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

To be heard alongwith CRM-M-46252-2023.”

2. Today, Ld. State Counsel on instructions from ASI Raj Kumar 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 05.10.2023 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 22, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No