

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

215

CRM-M-2222 of 2024
Date of decision:19.03.2024

Kuldeep Singh and another
....Petitioners

Versus

State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Kuljit Singh Bal, Advocate,
for the petitioners.

Mr. Mohit Kapoor, Sr. DAG, Punjab

PANKAJ JAIN, J. (ORAL)

On 16.01.2024, the following order was passed :-

“Apprehending their arrest in cross case vide DDR/Report No.31 dated 12.08.2023, registered under Sections 324, 34 IPC (Section 326 IPC added later on) in FIR No.99 dated 30.07.2023 registered under Sections 323, 324, 327, 148, 149 and 326 IPC (added later on) at P.S. Raja Sansi, District Amritsar Rural, Punjab, the petitioners have preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia submits that the matter relates to a dispute between the parties and both the parties got their version and cross-version recorded. Thus, it is a case of brawl and not of assault.

Notice of motion.

On asking of the Court, Mr. Tarun Aggarwal, Sr. D.A.G. Punjab, appears and accepts notice on behalf of

the respondent/State.

Adjourned to 19.03.2024.

In the meanwhile, 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 the police official who is present in Court submits that the petitioners have 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 16.01.2024 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.
9. Pending applications, if any, also stand disposed of.

March 19, 2024

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Whether speaking : Yes

Whether reportable : No

(PANKAJ JAIN)
JUDGE