

2024:PHHC:027607

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-2113-2023 (O&M)
Date of decision : 27.02.2024

Malkit Singh and another Petitioners

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. M.S. Batth, Advocate
for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Yogesh Goel, Advocate
Mr. Simrandeep Singh, Advocate and
Mr. Jashanpreet Singh, Advocate
for respondent No.2.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 16.01.2023, following order was passed:-

“Learned counsel for the petitioners submits that the present is a dispute between brothers relating to disbursement of compensation on account of acquisition of a part of joint land. He also submits that in view of the report dated 30.10.2022 submitted by the Board of Directors to the SMO, Civil Hospital, Kapurthala, the allegations levelled at the instance of complainant lose credibility.

Since the dispute is inter-se brothers, thus, on the oral request of learned counsel for the petitioners, complainant Balbir Singh son of Balwant Singh, resident of Village Marrypur, Tehsil

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Sultanpur Lodhi, District Kapurthala is ordered to be impleaded as party respondent No.2.

Notice of motion.

In the meanwhile, petitioners will join investigation before the Investigating Officer as and when called. In the event of their arrest, the Arresting Officer would admit them to interim bail, till the next date of hearing, on their furnishing adequate bail and surety bonds to his satisfaction. The petitioners are also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.

Let the parties appear before the Mediation and Conciliation Centre of Punjab and Haryana High Court on 01.02.2023 for some amicable settlement and submit a report to this effect.”

2. Today, learned State counsel, on instructions from Investigating Officer, has stated that pursuant to the order dated 16.01.2023, the petitioners have joined investigation and are no longer required for custodial interrogation.

3. In view of above, the interim order dated 16.01.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. This order should not be treated as "blanket" order. It will not be read granting 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 petitioners.

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6. The petitioners shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 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. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.
9. Disposed off accordingly.
10. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

27.02.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No