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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214-1

CRM-M-5203-2024
Date of decision : 15.04.2024

Gurpreet Singh @ Gopi Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. G.S. Nahel, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. L.S. Sekhon, Advocate
for the complainant.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 01.02.2024, following order was passed:-

“Apprehending his arrest in FIR No.3 dated 12.01.2024, registered for offences punishable under Sections 341, 323, 324, 506, 427, 34 of the Indian Penal Code, 1860 (Section 307 IPC added later on) at Police Station Sadar Dhuri, District Sangrur, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Ld. Counsel for the petitioner *inter alia* submits that all the injuries alleged to have been found on the body of the injured are simple in nature.

Issue notice of motion, returnable for 15.04.2024.

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Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent/State.

Mr. Laghuinder S. Sekhon, Advocate appears and files his power of attorney on behalf of the complainant, which is taken on record. He prays for time to place on record MLR.

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, learned State counsel, on instructions from ASI Suresh Kumar, has stated that pursuant to the order dated 01.02.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. Mr. Sekhon, Advocate appearing for the complainant however eloquently opposes the bail plea submitting that there are serious allegations against the petitioner of having inflicted injuries upon the complainant party with an intent to kill them. However, he is not in a position to dispute that the injuries attributed to the petitioner are simple in nature.

4. In view of above, the interim order dated 01.02.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. 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

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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, 1872 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.

9. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

10. Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

15.04.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No