

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

CRM-M-5551-2024

Date of decision : 24.04.2024

GAGAN @ MANJEET SINGH AND ORS.

....Petitioners

Versus

STATE OF PUNJAB

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Lakshay Bector, Advocate
for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

On 02.02.2024, the following order was passed :-

“Apprehending their arrest in FIR No.276 dated 30.12.2023, registered for offences punishable under Sections 452, 323, 294, 427, 506, 148, 149 of the Indian Penal Code, 1860 at Police Station City Jagraon, District Ludhiana, the petitioners have preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Ld. Counsel for the petitioners inter alia contends that there is inordinate delay of 7 days in getting the FIR registered which remains unexplained and it the matter of the record that the victim got discharged from the hospital on 26th of December, 2023 yet the FIR was registered on 30th of December, 2023 qua the incident which is alleged to have happened on 23rd of December, 2023.

Issue notice of motion, returnable for 24.04.2024.

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

Mr. Monty Goyal, Advocate appears and files his power of attorney on behalf of the complainant today in Court, which is taken on record.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal and surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. As and when called, the petitioners shall join the investigation. They shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C. ”

2. Today, Ld. State Counsel on instructions from SI Balbir Singh submits that the petitioners have already joined investigation and are no more required for custodial interrogation.
3. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 02.02.2024 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(s), 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.

April 24, 2024
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No