

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5574-2024

Date of decision : 01.04.2024

BALBIR CHAND

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Kripal Singh, Advocate for
Mr. Aditya Pratap Singh, Advocate for the petitioner

Mr. Amit Shukla, Asstt. Advocate General, Punjab.

PANKAJ JAIN, J. (ORAL)

On 02.02.2024, the following order was passed :-

“Apprehending his arrest in FIR No.66 dated 22.11.2023, registered for offences punishable under Sections 341, 323, 325, 379B(2), 148, 149 and 411, 201 IPC (added subsequently) of the Indian Penal Code, 1860 at Police Station Narot Jaimal Singh, Tehsil & District Pathankot, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre- arrest bail.

Ld. Counsel for the petitioner inter alia relies upon order dated 21.12.2023 passed by this Court in CRM-M-64308-2023 whereby co- accused Jagdeep Singh stands admitted to interim protection.

Issue notice of motion, returnable for 01.04.2024.

To be heard along with CRM-M-64308-2023

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

Interim in the same terms as in CRM-M-64308-2023.”

2. Today, Ld. State Counsel on instructions from ASI Harbans Singh 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 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 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.

April 01, 2024
Dpr

(PANKAJ JAIN)
JUDGE

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