

2024:PHHC:049365

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-6971-2024
Date of decision : 09.04.2024

Karnail Singh Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Navinder Jit Singh Dandiwal, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 09.02.2024, following
order was passed:-

“Apprehending his arrest in FIR No.246
dated 02.12.2023, registered under Sections 61/1/14
of the Punjab Excise Act, 1914 at Police Station
Ajnala, District Amritsar, petitioner seeks pre-arrest
bail.

Learned counsel for the petitioner *inter alia*
submits that the petitioner was not apprehended
from the spot and a bald allegation has been
levelled that the petitioner was seen stirring the
drums containing *lahan*.

Notice of motion for 09.04.2024.

On the asking of the Court, Mr. Tarun
Aggarwal, Sr. DAG, Punjab appears and accepts
notice on behalf of the respondent-State.

In the meantime, in the event of arrest, the
petitioner shall be released on interim bail subject

2024:PHHC:049365

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 Vyas Dev Singh, has stated that pursuant to the order dated 09.02.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 09.02.2024 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 petitioner.

6. 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.

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

2024:PHHC:049365

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.

(PANKAJ JAIN)
JUDGE

09.04.2024
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Whether speaking/reasoned :	Yes
Whether Reportable :	No